



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ESCALANTE RESOURCE AREA
P. O. Box 225
Escalante, Utah 84726
(801) 826-4291



2800.0
UT-048

DEC 15 1992

Sterling C. Davis
State of Utah
Department of Transportation
708 South 100 West
Richfield, Utah 84701

Dear Mr. Davis:

We have completed the review of your assertion that the Utah Department of Transportation has a RS-2477 right-of-way for Highway 12 on public lands between Escalante and Boulder not covered by existing rights-of-ways.

The evidence provided to us was sufficient to determine that highway 12 was constructed and maintained prior to October 21, 1976 and is a Public highway. A review of the historical index also indicates that the public lands which highway 12 crosses over were unreserved at the time of construction.

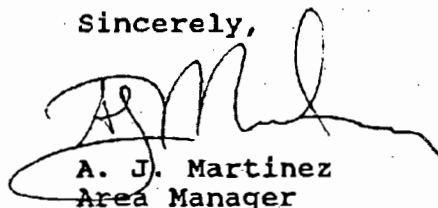
Based upon this review it is my determination that a RS-2477 right-of-way does attach to Highway 12 beginning in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, Township 35 South, Range 4 East; thence easterly and northerly to the U. S. Forest Service boundary in the NW $\frac{1}{4}$ of Section 3, Township 34 South, Range 4 East, except for that portion of newly realigned section in Township 35 South, Range 4 East, NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, where you currently have a FLMPA Title V right-of-way.

This RS-2477 right-of-way will be from edge of disturbance to edge of disturbance. The width of the right-of-way will vary based upon the width of the presently disturbed area needed for maintenance and use of the highway and for due and necessary improvements to the highway using the most current design and construction techniques available. In Township 34 South, Range 4 East, SW $\frac{1}{4}$ of Section 14, the RS-2477 right-of-way will include the old section of Highway 12 that is being used for a mixing site and for secondary access.

This RS-2477 determination does not apply to the private and state lands crossed by Highway 12.

If you have any questions regarding this matter please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to be 'A. J. Martinez', written over a circular stamp or seal.

A. J. Martinez
Area Manager



State of Utah

DEPARTMENT OF TRANSPORTATION

JOHN R. NJORD, P.E.
Executive Director

CARLOS M. BRACERAS, P.E.
Deputy Director

OLENE S. WALKER
Governor

GAYLE McKEACHNIE
Lieutenant Governor

September 14, 2004

Mr. Tyler Robirds, P.E.
H. W. Lochner, Inc.
310 East 4500 South, Suite 600
Murray, UT 84107

RECEIVED SEP 16 2004

Reference: Project No. STP-0012(8)60E
Pin No. 4371
SR-12 Escalante to Boulder

Dear Mr. Robirds:

Mike Brehm called me today and asked me to send you a copy of information we have prepared concerning the SR-12 Corridor. The enclosed information gives you the r/w widths and appropriate BLM Authorization Numbers for the area from Henrieville to Boulder. The maps are color coded to distinguish between BLM and Private Property.

Please give me a call if you have any questions concerning this matter at 435-893-4708, or call our land surveyor, Ted Madden, at 435-893-4713.

Sincerely,

Nancy A. Jerome, P.E.
Region Four R/W Engineer

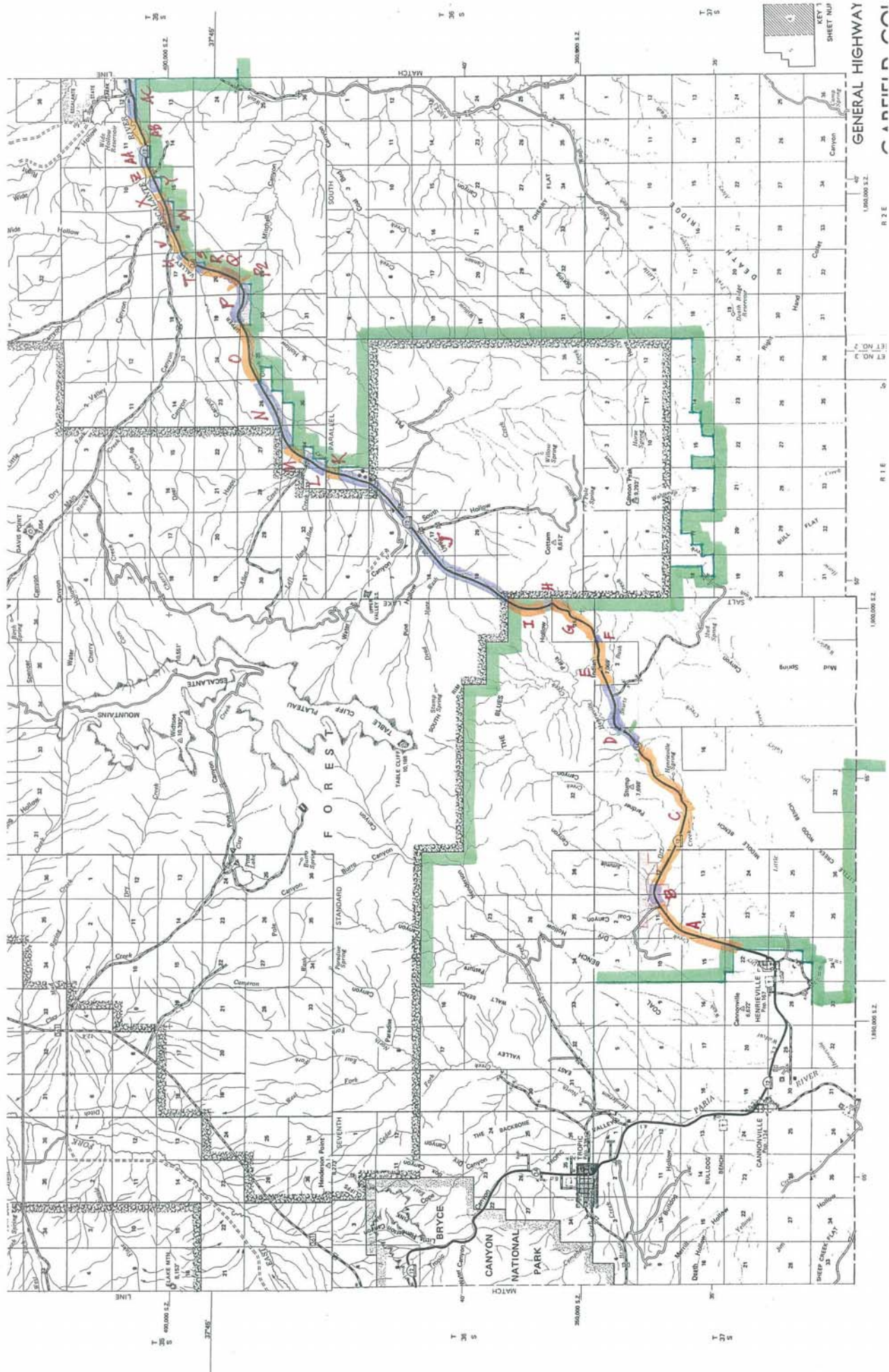
njerome@utah.gov

cc: Clark Mackay, Region Preconstruction Engineer
Rick Torgersen, Project Manager

SR-12 BLM easements through Grand Staircase Escalante Natl. Mon.						
MAP	SEGMENT	WIDTH	WIDTH	EASEMENT	COMMENTS	
SEGMENT	LENGTH(K)	LEFT (FT)	RIGHT (FT)	NUMBER		
A	3.8	100	100	U034584	Sec 11,14,15,22, T37S, R2W	
B	1.1	50	50		Private Sec 11,12, T37S, R2W	
C	5.2	100	100	U034584	Sec 12, T37S, R2W; Sec 7,8,9,17,18, T37S, R1W	
D	2.9	100	100	U011171	NO DOCUMENTS @ UDOT Sec 3,4, T37S, R1W	
E	1.8	200	200	U04245	Sec 2, T37S, R1W (BLM easement, not recognized as State Trust Lands)	
F	0.1	200	200	U04245	Sec 1, T37S, R1W	
G	2.7	200	200	U04245	Sec 36, T36S, R1W (BLM easement, not recognized as State Trust Lands)	
H	0.5	200	200	U04245	Sec 25, T36S, R1W	
I	1.1	200	200	SL068978	Sec 25, T36S, R1W	
J	8.3	50-60	50-60		Outside of GSENM, National Forest, BLM, and Private	
K	0.4	200	200	SL068978	Right side only Sec 4, T36S, R1E	
L	1.2	50-60	50-60		Outside of GSENM, Private Sec 33,34, T35S, R1E	
M	0.9	100	100	U019673	Right side only Sec 34, T35S, R1E	
N	2.7	75-100	75-100		Outside of GSENM, Natl. Forest & Private, Sec 26,27,34, T35S, R1E	
O	2.3	100	100	U019673	Right side only Sec 25,26, T35S, R1E; Sec 30, T35S, R2E	
P	2.0	75	75		Outside of GSENM, BLM & Private, Sec 19,29,30, T35S, R2E	
P2	0.1				Missing easement, NE1/4,NW1/4, Sec 29, T35S, R2E	
Q	0.7	100	100	U019673	Right side only Sec 20, T35S, R2E	
R	0.8	100	100	U011171	NO DOCUMENTS @ UDOT Sec 20, T35S, R2E	
S	0.4	75	75		Private NW1/4,NE1/4,Sec 20, T35S, R2E	
T	0.4	100	100	U011171	NO DOCUMENTS @ UDOT, NE1/4,NE1/4,Sec 20, SE1/4,SE1/4,Sec 17,T35S, R2E	
U	0.2	100	100		Private NE1/4,SE1/4,Sec 17, T35S, R2E	
V	0.9			parcel 254:13	Right side only, UDOT fee title, Sec 16, T35S, R2E	
W	1.2	100	100		Private Sec 15,16, T35S, R2E	
X	0.2	100	100	U012626	Right side only, SE1/4,NW1/4,Sec 15,T35S,R2E	
Y	0.7	75	75		Private, Sec 15,T35S,R2E	
Z	0.3	100	100	U012626	Right side only, NE1/4,NE1/4,Sec 15,T35S,R2E	
AA	1.0	75	75		Private, Sec 10,11,T35S,R2E	
AB	0.8	100	100	U012626	Right side only, S1/2,SE1/4,Sec 11,T35S,R2E	
AC	8.1	*	*		Outside of GSENM, BLM, Private, & Town of Escalante	
AD	0.5	100	100	U096468	NW1/4, Sec 22, T35S,R3E	
AE	0.2	50	50		Outside of GSENM, Private, NW1/4,SW1/4, Sec 22, T35S,R3E	
AF	0.3	100	100	U096468	NE1/4,SW1/4, Sec 22, T35S, R3E	
AG	0.4	50	50		Outside of GSENM, Private, SE1/4,SE1/4, Sec 22,T35S,R3E	
AH	0.1	100	100	U096468	SE1/4, Sec 22,T35S,R3E	
AI	1.7	100	100	U0110884	Outside of GSENM, SE1/4,SE1/4, Sec 26,27,T35S,R3E	
AJ	1.1	100	100	parcel 0392:4	UDOT fee simple ownership, Former State Trust Lands	
AK	6.1	100	100	U0110884	NO DOCUMENTS @ UDOT, Sec 25,T35S,R3E; Sec 19,20,21,30,T35S,R4E	
AL	6.1	100	100	project 0392(4)	Easement mapped and applied for, but no record of acceptance @ UDOT	
AM	0.5	33-100	33-100		Private, Sec 12,T35S,R4E	

* 70' 1" NR 11/14 of Escalante 50' LxR East of Escalante

AN	3.3 (0.2)	100	100	project 0392(4)	Easement mapped and applied for, but no record of acceptance @ UDOT
		7	7	U51381	NO DOCUMENTS @ UDOT, Sec 1, T35S, R4E
AO	0.4	7	7	project 0392(4)	Across former State Trust Lands, no record of purchase @ UDOT
AP	1.2	100	100	project 0392(4)	Easement mapped and applied for, but no record of acceptance @ UDOT
AQ	0.5	7	7	project 0392(4)	Across former State Trust Lands, no record of purchase @ UDOT
AR	9.6	100	100	project 0392(4)	Easement mapped and applied for, but no record of acceptance @ UDOT



GENERAL HIGHWAY
SHEET 1
KEY 1

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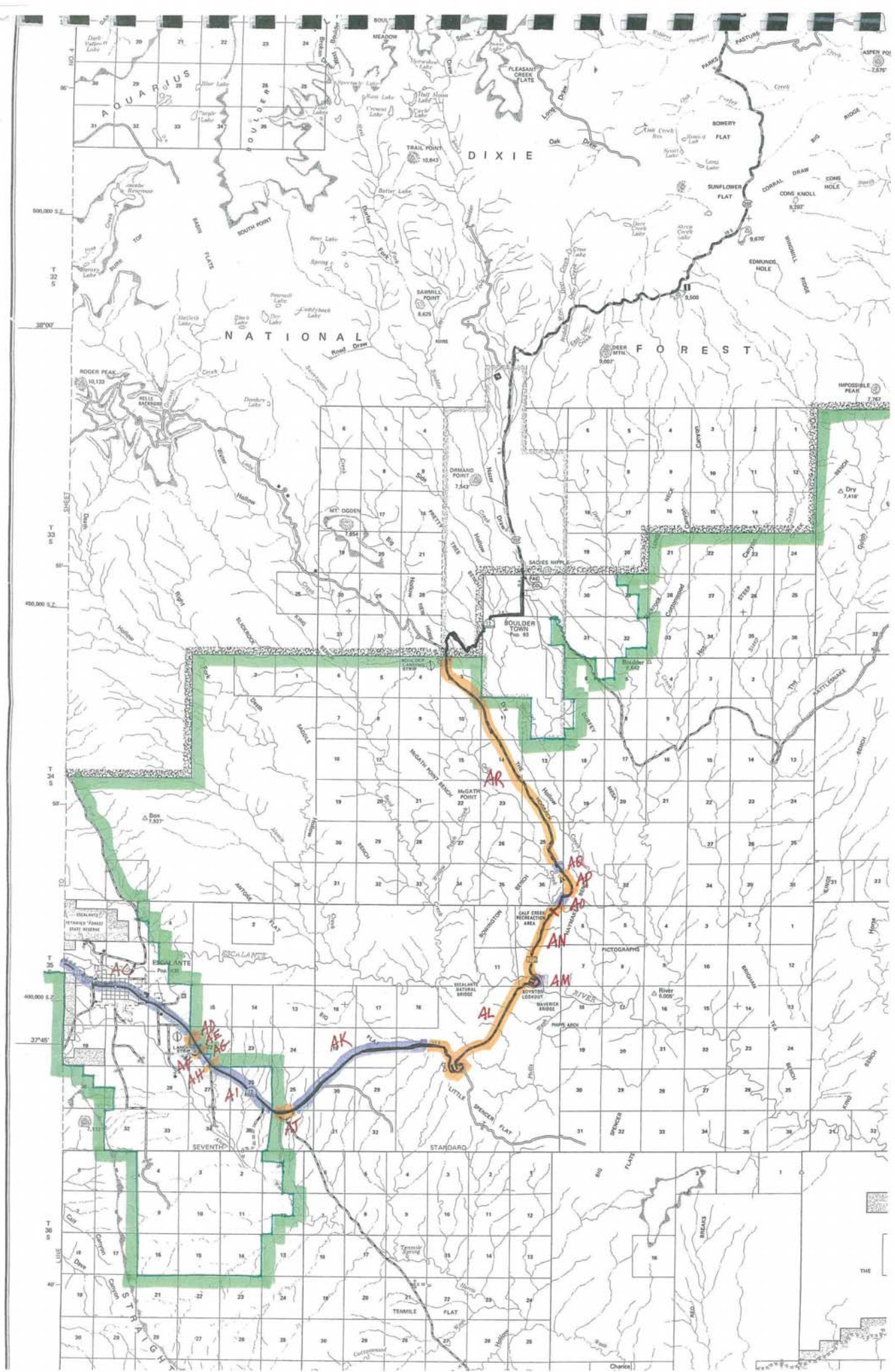
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October 1, 2004

Mike Nielson
Director
Anasazi State Park
PO BOX 1453
Boulder, UT
84716

RE: Preparation of Environmental Assessment
Safety Improvement Project
State Route 12 - Escalante to Boulder, Utah
Request for Information
Project No. STP – 0012 (8) 60E

Dear Mr. Nielson,

The Utah Department of Transportation (UDOT), in cooperation with the Federal Highway Administration (FHWA), is proposing to prepare an environmental assessment to study safety and operational improvements on SR-12, from Escalante to Boulder, in Garfield County, Utah. We are formally requesting your involvement with the scoping process, comments, and attendance at the first formal agency scoping meeting for this environmental assessment.

This project, consisting of safety and operational improvements, results from previous planning studies, including the *Scenic Byway 12 Management Plan* and the *SR-12 & SR-63 Corridor Transportation Plan*. These documents note deficiencies in the current roadway, such as conflicts with bicycle traffic and pedestrians stopping, narrow or lack of shoulders, and the need for passing areas/pull outs.

The environmental assessment will augment these planning studies with project specific evaluations of the project need, project area context, potential improvements, and assessment of the potential impacts to the human and natural environment. In order to identify and evaluate solutions that are consistent and sensitive with the unique character and environment of the project area, a comprehensive approach to coordinate the proposed safety improvements with the project stakeholders is being initiated at the start of this environmental assessment.

Enclosed with this letter is a project information sheet and a map showing the project location with the study area resources noted. Additional information concerning the goals for this project study is located on the SR-12 Environmental Assessment web site at <http://www.udot.utah.gov/sr-12/>.


In pursuit of collaboration with federal, state, and local agencies, we are seeking your input on the project, including information on the specific regulatory requirements of your agency

regarding permits, licenses, or clearances, and information on necessary content to satisfy the requirements of the National Environmental Policy Act (NEPA). We appreciate and look forward to any comments, input, and/or concerns you have on the proposed project.

The first agency scoping meeting will be held in Boulder, Utah on October 18th from 12:00 p.m. to 4:00 p.m. Lunch will be provided from 12:00 p.m. to 12:30 p.m. at the Boulder Town Hall at 351 North 100 East in Boulder, Utah. Once lunch is adjourned, an on-site field review will commence and the group will ride the corridor in vans provided by UDOT. From 3:30 p.m. until 4:00 p.m., there will be a summarized discussion from the field review at the Boulder Town Hall. Due to the nature of an on-site field review, a conference call is not viable. If you are unable to attend, please send us your concerns and comments regarding this project in writing to Kim Clark, H.W. Lochner, Inc., 310 East 4500 South, Suite 600, Salt Lake City, Utah 84107.

In order to facilitate discussions at this meeting, please provide any comments or information about the proposed project to us prior to the meeting. **Please R.S.V.P.** your ability to attend to Kim Clark, H.W. Lochner, Inc. at (801) 262-8700 or kclark@hwlochner.com.

Regards,

A handwritten signature in black ink, appearing to read 'Rick Torgerson', with a long horizontal flourish extending to the right.

Rick Torgerson, P.E.
Project Manager

Identical copies of this letter were sent to the following:

Dave Hunsaker BLM/GSENM 190 E. Center Street Kanab, UT 84726	Mike Nelson Anasazi State Park P.O. Box 1453 Boulder, UT 84716
Paul Chapman BLM/GSENM 190 E. Center Street Kanab, UT 84726	Deborah Lebow EPA 999 18 th Street, Ste. 300 Denver, CO 80202-2466
Dave Wolf BLM/GSENM 190 E. Center Street Kanab, UT 84726	Kevin Schulkoski USDA/USFS P.O. Box 246 Escalante, UT 84726
Sylvia Gillen USDA/NRCS 125 S. State, Rm. 8301 Salt Lake, UT 84138	Grady McNure USACE—St. George Regulatory Office 321 N. Mall Dr., Ste. L101 St. George, UT 84790-7310
Betsy Herrmann USFWS 2369 W. Orton Circle, Ste. 50 West Valley City, UT 84119-2047	Rick Gold BOR 125 S. State Street, Rm. 6107 Salt Lake, UT 84138-1102
Patrick M. Lambert USGS 2329 W. Orton Circle, Ste. 50 West Valley City, UT 84119-2047	Bruce Bonebrake Utah DNR P.O. Box 606—1470 N. Airport Rd., Ste. 1 Cedar City, UT 84720-0606
Robert L. Morgan Utah DNR P.O. Box 145610 Salt Lake, UT 84114-5610	Dick Buehler Utah DNR P.O. Box 145703 Salt Lake, UT 84114-6480
Mary Tullius Utah DNR P.O. Box 146001 Salt Lake, UT 84114-6480	Lou Brown Utah SITLA 130 N. Main Richfield, UT 84701
Chuck Williamson Utah DNR P.O. Box 146300 Salt Lake, UT 84114-6300	Tom Rushing Utah Division of Water Quality P.O. Box 144870 Salt Lake, UT 84114-4870
Dianne Nielson Utah Dept. of Environmental Quality P.O. Box 144810 Salt Lake, UT 84114-4870	Dennis Downs Utah Division of S&HW P.O. Box 144880 Salt Lake, UT 84114-4880
Rick Sprott Utah Division of Air Quality 150 S. 1950 W. Salt Lake, UT 84116	State Historic Preservation Office 300 S. Rio Grande St. Salt Lake, UT 84101-1143

Tom Shakespeare Utah Division of Parks P.O. Box 180069 Cannonville, UT 84718	SR-12 Scenic Byway Committee Attn: Allysia Angus (BLM) 190 E. Center Street Escalante, UT 84726
BLM 324 S. State Street, Ste. 301 Salt Lake, UT 84145	Brian Bellew BLM/SR-12 Scenic Byway Committee P.O. Box 225 Escalante, UT 84726
Darrell Olsen BLM/GSENM 755 W. Main Street Escalante, UT 84726	U.S. Forest Service 125 S. State Street, Rm. 8301 Salt Lake, UT 84138
Maggie Dowd USFS/SR-12 Scenic Byway Committee 1789 N. Wedgewood Ln. Ceday City, UT 84720	USFS—Teasedale Ranger District P.O. Box 90 Teasedale, UT 84773
FEMA—Utah Division P.O. Box 141710 Salt Lake, UT 84114-1710	Colleen Bathe NPA/SR-12 Scenic Byway Committee P.O. Box 170001 Bryce Canyon, UT 84717
Sandra Garcia-Aline FHWA 2520 W. 4700 S., Ste. 9A Salt Lake, UT 84118-1847	Rick Torgerson UDOT—Region Four 1345 S. 350 W. Richfield, UT 84701
Daryl Friant UDOT—Region Four 1345 S. 350 W. Richfield, UT 84701	Robert Dowell UDOT—Region Four 1345 S. 350 W. Richfield, UT 84701
Stan Adams UDOT 4501 S. 2700 W. Salt Lake, UT 84114-1200	Myron Lee UDOT—Region Four 1345 S. 350 W. Richfield, UT 84701
Pam Higgins UDOT—Region Four 1345 S. 350 W. Richfield, UT 84701	Wade Barney UDOT—Region Four 1345 S. 350 W. Richfield, UT 84701
UDNR—Division of Water Resources P.O. Box 146201 Salt Lake, UT 84114-6480	UDNR—Utah Geological Survey P.O. Box 146100 Salt Lake, UT 84114-6480
UDA P.O. Box 146500 Salt Lake, UT 84114-6500	Health Department P.O. Box 14 Escalante, UT 84262
UDCED 324 S. State Street, Ste. 500 Salt Lake, UT 84145	Tyler Robirds SR-12 Project Team 310 E. 4500 S., Ste. 600 Salt Lake, UT 84107

Kim Clark SR-12 Project Team 310 E. 4500 S., Ste. 600 Salt Lake, UT 84107	Randi Shover SR-12 Project Team 310 E. 4500 S., Ste. 600 Salt Lake, UT 84107
Michelle Fishburne SR-12 Project Team 2840 Plaza Place, Ste. 202 Raleigh, NC 27612	Stephen Trimble Words & Photographs 779 4 th Avenue Salt Lake, UT 84103-1078
Mike Brehm SR-12 Project Team 1335 E. Gilmer Dr. Salt Lake, UT 84105-1602	Joe Gregory FHWA 2520 W. 4700 S., Ste. 9A Salt Lake, UT 84118-1847
Craig Sorenson BLM/GSENM P.O. Box 225 Escalante, UT 84726	Andrew Orelmann USFS P.O. Box 246 Escalante, UT 84726



State of Utah

OLENE S. WALKER
Governor

GAYLE McKEACHNIE
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

JOHN R. NJORD, P.E.
Executive Director

CARLOS M. BRACERAS, P.E.
Deputy Director

RECEIVED DEC 14 2004

December 7, 2004

Sandra Garcia-Aline
FHWA
2520 West 4700 South, Suite A
Salt Lake City, UT 84118-1847

Subject: SR-12 Escalante to Boulder Environmental Assessment
Project #: STP-0012(8)60E
Draft Memorandum of Understanding (MOU)

Dear Mrs. Garcia-Aline:

The Agency Scoping meeting for this project was held on October 18th, 2004. At this meeting it was determined that a Memorandum of Understanding (MOU) would be developed to set forth the Agency's roles and responsibilities for the preparation of the NEPA documentation for this project.

Attached to this letter is the Draft MOU for your Agency's review. Our goal is to have all comments to me by December 15th, 2004. You may send your comments to me via email at rtorgerson@utah.gov. We are planning to start the signature process before the Christmas holidays. The signature process will begin with the UDOT, then BLM and finally FHWA.

If there are further questions feel free to contact me at (435) 893-4781.

Sincerely, _____

Rick Torgerson, P.E.
UDOT Region 4 Project Manager

Enclosures

cc: File
Daryl Friant, Region 4 Environmental Engineer
Tyler Robirds, Lochner

Identical copies of this letter were sent to the following:

Dave Wolf 190 E. Center Street Kanab, UT 84741	Dave Hunsaker 190 E. Center Street Kanab, UT 84741
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**MEMORANDUM OF UNDERSTANDING
between the**

**US DEPARTMENT OF TRANSPORTATION
Federal Highway Administration**

**US DEPARTMENT OF INTERIOR
Bureau of Land Management**

and the

Utah Department of Transportation

**For Cooperating Agencies in the Preparation of NEPA Documentation
regarding State Road 12 between Escalante and Boulder, Utah
January 2005**

I. PREAMBLE

Whereas:

The Utah Department of Transportation is conducting planning, engineering, and environmental studies for the implementation of safety improvements along SR-12 from Boulder to Escalante, Utah, hereafter known as the Project. A large portion of the Project is located adjacent to lands within the Grand Staircase-Escalante National Monument, hereafter known as the Monument. The Monument is managed by the Department of Interior through the Bureau of Land Management.

The Utah Department of Transportation has retained H.W. Lochner, Inc., to conduct the Project studies and prepare an Environmental Assessment for the Project under the National Environmental Policy Act (NEPA). For the purposes of this Project, Lochner, acting as Consultant, will be assisting the Utah Department of Transportation with its responsibilities outlined in this Memorandum of Understanding.

The development of the Project includes preparing planning, engineering, and environmental studies, including the Purpose and Need and the preliminary alternatives. An Environmental Assessment will be initiated for the project to evaluate potential impacts. Based on the findings of the Project studies, an Environmental Impact Statement/Record of Decision may be prepared in place of the Environmental Assessment. These documents, hereinafter known as the NEPA Document, will be prepared in accordance with NEPA.

Therefore, this Memorandum of Understanding (MOU) is made and entered into by and between the U.S. Department of Transportation: Federal Highway Administration, hereinafter known as the FHWA, the U.S. Department of Interior: Bureau of Land

Management, hereinafter known as the BLM, and the Utah Department of Transportation, hereinafter known as the UDOT.

II. PURPOSE

The purpose of this MOU is to establish cooperation between the FHWA, BLM, and UDOT in the preparation of the NEPA Document for the Project.

It is clearly understood by all parties that this MOU provides the framework to comply with the requirements of the National Environmental Policy Act in the preparation of the NEPA Document. Completion of the NEPA Document does not imply there will be a favorable decision to authorize the proposed project as submitted by the UDOT.

This agreement is intended for the sole purpose of identifying the cooperating agencies and addressing the NEPA responsibilities of the parties involved with the Project and does not extend to permitting, construction, maintenance, and operation of the intended facility.

III. AUTHORITY

This MOU is authorized by:

- Title 1 of the National Environmental Policy Act of 1969, as amended (NEPA), 42 USC 4331, as amended;
- Federal-Aid Highways, Title 23 USC, "Highways";
- "Environmental Impact and Related Procedures" 23 CFR 771, Federal Highway Administration;
- "Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act" – 40 CFR Parts 1500-1508, Council on Environmental Quality (CEQ);
- Section 307 of the Federal Land Policy and Management Act of 1976, 43 USC 1737 (FLPMA), as amended;
- Chapter 2, 23 USC Section 317, "Appropriation for highway purposes of lands or interests in lands owned by the United States"; and,
- Interagency Agreement between the BLM and FHWA, September 10, 1982
- Utah Code Ann. 11-13-101, Interlocal Cooperation Act

III. RESPONSIBILITIES

A. FHWA Responsibilities

1. The FHWA, as the Lead Federal Agency, will coordinate the exchange of information between the BLM and the UDOT as related to NEPA. The FHWA will expedite information gathering, and reconcile any delays within the agencies.
2. The FHWA designated point of contact is Mrs. Sandra Garcia-Aline (801/963-0182).
3. FHWA will actively participate and provide information in all substantial phases of NEPA document preparation.
4. The FHWA will provide interdisciplinary team members and other appropriate specialists to review the Technical Reports and NEPA Document(s) and to actively participate in scoping meetings and other public involvement processes.
5. The FHWA will submit comments on the Technical Reports and NEPA Document(s) to the BLM and UDOT in a timely manner, not to exceed 30 days after the receipt of the reports and document(s).
6. FHWA will determine the adequacy of the NEPA document(s) in accordance with their regulation including consultations required by Section 7 of the Endangered Species Act of 1973, as amended; Section 106 of the National Historic Preservation Act of 1966, as amended; Section 4(f) of the U.S. Department of Transportation Act of 1966; and Sections 401 and 404 of the Clean Water Act.
7. The FHWA is ultimately responsible for the Native American Consultation associated with the project.
8. FHWA will attend regular and other meetings with federal, state, regional, local agencies, and concerned public groups.
9. The FHWA will ensure a final determination on the inclusion or deletion of material from the NEPA document(s) in all instances involving questions as to the content of any material (including all data, analysis, and conclusions).
10. As the Lead Federal Agency, the FHWA will be signatory to the completed NEPA Document(s).

B. BLM Responsibilities:

1. The BLM will designate a single point of contact for the majority of the Project issues, including matters concerning the Wilderness Study Areas (WSAs), the right-of-way (ROW) processing, as well as matters related to the development of the NEPA Document(s). This designee will also be responsible for providing information or arranging final approvals and signatures as needed for implementation of the Project. The BLM designated point of contact is Paul Chapman (435/644-4309).
2. The BLM will actively participate and provide information in all substantial phases of NEPA document preparation.
3. The BLM will provide interdisciplinary staff members and other appropriate specialists to actively participate in scoping meetings and other public involvement processes.
4. The BLM will be responsible for the internal distribution and review of the Technical Reports and NEPA Document(s) for the Project. Specific responsibilities include the following:
 - a. Provide interdisciplinary staff members and other appropriate specialists to review the Technical Reports and NEPA Document(s);
 - b. Oversee requests and consolidation of all comments prepared by BLM;
 - c. Review Technical Reports and NEPA Document(s) in coordination with the FHWA and UDOT to ensure compliance with BLM guidelines and requirements of NEPA; and,
 - d. Consolidate all BLM comments, and provide the FHWA and UDOT with a comment summary within forty-five (45) days from the receipt of the document and request for review.
5. The BLM will consult with the FHWA/UDOT on the development of project alternatives and various components of the NEPA document(s) as needed during document preparation to assist FHWA/UDOT in avoiding adverse impacts.
6. The BLM will provide input to the UDOT in relation to the design, organization, preparation, and maintenance of the administrative record for the Project.
7. The BLM will provide written materials, such as laws, regulations, guidelines, management plans, implementation policies, meeting minutes, review comments, and public coordination activities, relevant to the Project to UDOT, as needed, for inclusion in the administrative record for the Project.

8. The BLM will attend regular and other meetings with federal, state, regional, local agencies, and concerned public groups.
9. The BLM will coordinate with UDOT to make all information submitted by the public and others accessible upon request pursuant to the rules and exceptions of the Freedom of Information Act. This information will be made available following publication of the NEPA analysis document(s).
10. The BLM will recommend any necessary modification of the NEPA document(s) as a result of public comments to UDOT and will provide input regarding the responses to comments.
11. The BLM will determine the adequacy of NEPA documents(s) for public lands administered by the BLM and for assuring compliance with the requirements of NEPA and the Grand Staircase-Escalante National Monument Management Plan.

C. UDOT Responsibilities

1. The UDOT designated point of contact for this Project is Mr. Rick Torgerson (435/893-4781).
2. The UDOT, in cooperation with FHWA and BLM will prepare an environmental document in accordance with the National Environmental Policy Act of 1969, as amended.
3. The UDOT, in coordination with the FHWA and the BLM, will establish a detailed schedule which outlines the environmental analysis process and indicates key milestones for its completion. In addition, they will facilitate the completion of the NEPA document(s) in the time frames specified in the schedule, subject to extensions due to incompleteness in the application, project description, new issues identified during the scoping process, availability of data and information submitted by others, changes in the scope of the project, or other conditions beyond the UDOT's control.
4. The UDOT will conduct public scoping meetings as necessary. UDOT and FHWA in coordination with BLM will be responsible for ensuring that the scoping meetings meet the respective agencies' scoping requirements.
5. The UDOT has established Mr. Daryl W. Friant (435/893-4714) as the point of contact on all matters relating to the preparation of the NEPA document.
6. The UDOT will provide to the agencies any justifiable, necessary, or relevant technical or environmental information which is needed for preparation of the NEPA document. BLM and FHWA will assist in identifying applicable federal, state, and local regulations.

7. The UDOT will provide the BLM and FHWA with a copy of any written material related to the environmental analysis and other correspondence pertinent to the NEPA process, and keep BLM and FHWA informed of any meetings scheduled.
8. The UDOT will be responsible for identifying and complying with all federal, state, and local laws and regulations that apply.
9. The UDOT will be responsible for distribution of the Technical Reports and NEPA Document(s) for the Project, and will act as facilitator for FHWA. Specific responsibilities include:
 - a. Distributing the Reports and NEPA Document(s) to the federal, state, and local agencies associated with the Project, as needed, for review and comments;
 - b. Consolidating scoping comments received by review agencies, including BLM and FHWA; and,
 - c. Providing public review of the NEPA Document(s) and public hearings.
10. The UDOT will arrange and facilitate coordination meetings, as necessary, between the FHWA, UDOT, and the BLM.
11. The UDOT will be the main collection point for public comments regarding the Project. UDOT will establish procedures for consolidating public comments in coordination with FHWA and BLM.
12. The UDOT, in coordination with FHWA and BLM, will maintain the official case file for the Project and assume responsibility for design, organization, preparation, and maintenance of the administrative record for the Project.
13. The UDOT will make all information submitted by the public and others accessible upon request pursuant to the rules and exceptions of the Freedom of Information Act and the Utah Governmental Records Access and Management Act. This information will be made available following publication of the NEPA analysis document(s).

IV. TERM

This MOU is executed as of the last date shown below and expires in three (3) years or upon acceptance by BLM and FHWA of the final NEPA Document.

V. EXTENSION

The term of this MOU may be extended in force by any party with a written notice to the other two (2) parties within sixty (60) days of the current termination date. The written notice must designate a time frame and purpose of the extension. The other two (2) parties must respond in writing within thirty (30) days of the receipt of the notice.


VI. TERMINATION

This MOU and any written guides or procedures attached hereto shall continue in force unless formally terminated by any party after thirty (30) days written notice of the intention in writing to the other parties.

In the event of termination of the MOU, it is agreed as follows:

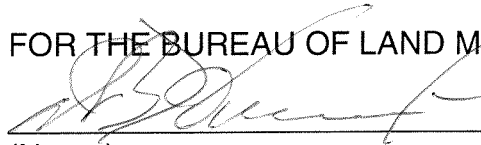
FHWA and BLM shall have access to all non-proprietary and non-confidential documentation, reports, analyses, and data developed by or in possession of the UDOT.

FOR FEDERAL HIGHWAY ADMINISTRATION


(Name)

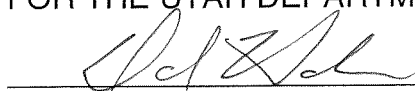
1/20/05
Date

FOR THE BUREAU OF LAND MANAGEMENT


(Name)

2/7/05
Date

FOR THE UTAH DEPARTMENT OF TRANSPORTATION


(Name) R-4 Director

1/19/05
Date



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155
<http://www.blm.gov>



IN REPLY REFER TO:
8500
(UT-934)

AUG 22 2005

Ms. Kim Clark
H.W. LOCHNER, INC.
310 East 4500 South, Suite 600
Salt Lake City, Utah 84107

RE: BLM / UDOT State Road 12 Meeting, Grand Staircase Escalante N.M.

Dear Ms. Clark:

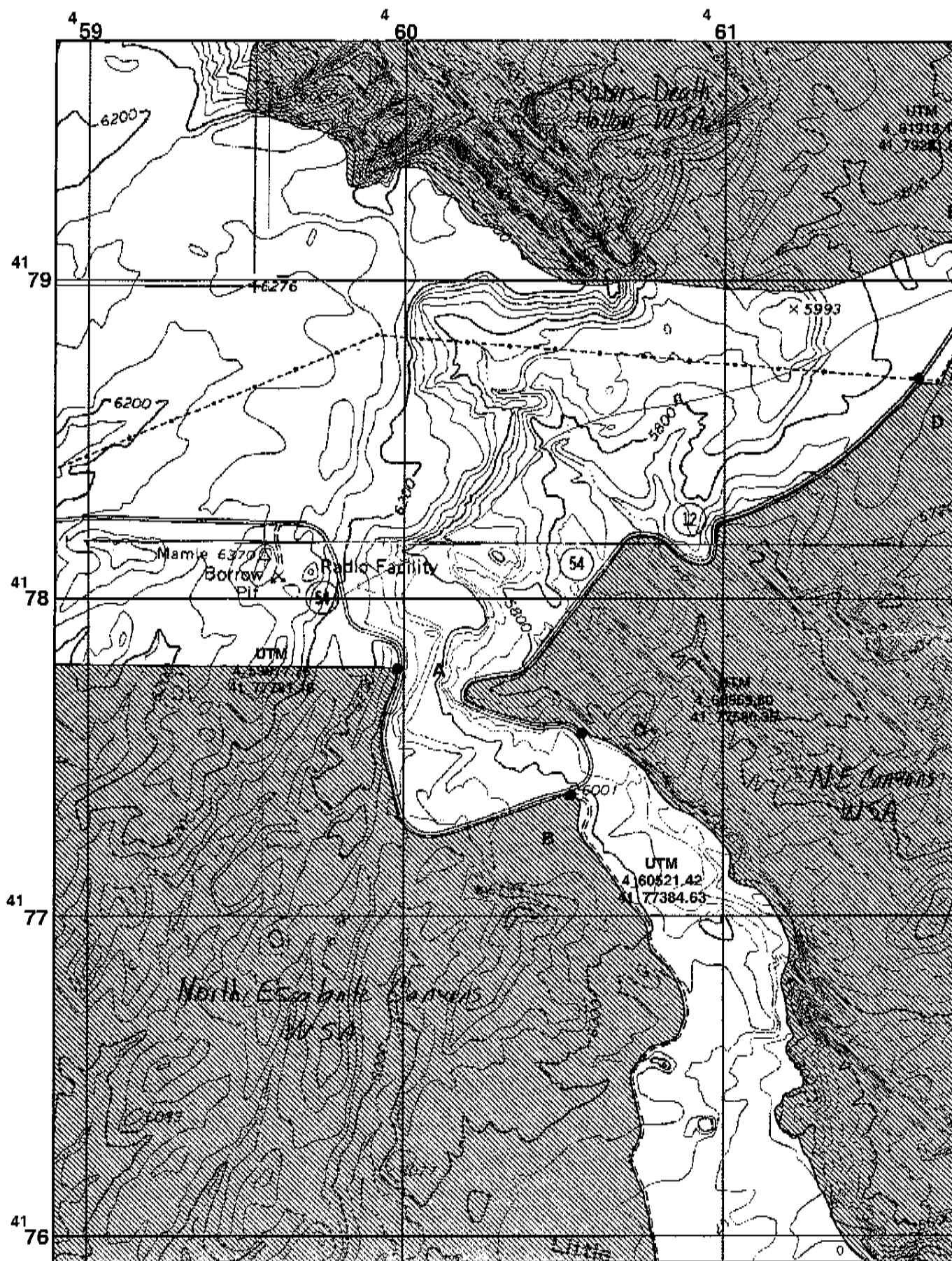
Enclosed are copies of Wilderness Study Area (WSA) boundary maps that were part of the data brought to the BLM / UDOT State Road 12 road widening proposal meeting held at the GSENM offices in Escalante, Utah on July 26, 2005, by Dave Mermejo of my staff. These maps are provided to you, as requested at the meeting. The points identified on the maps as A. B. C. etc. are screen digitized locations of points where the WSA boundary is immediately adjacent to state road 12. The UTM numbers listed for each point is approximate.

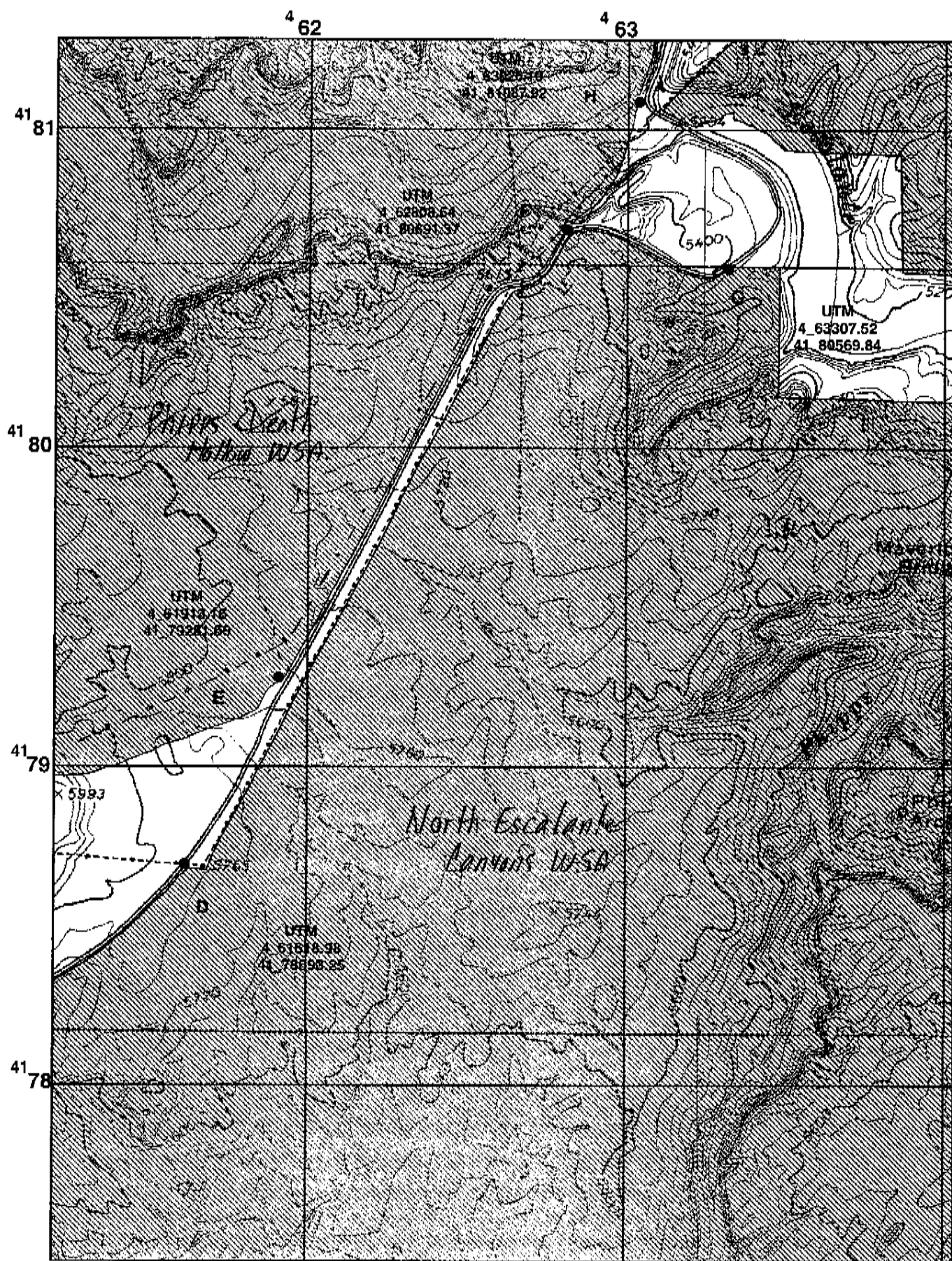
If you have any further questions please contact Dave Mermejo at (801) 539-4054.

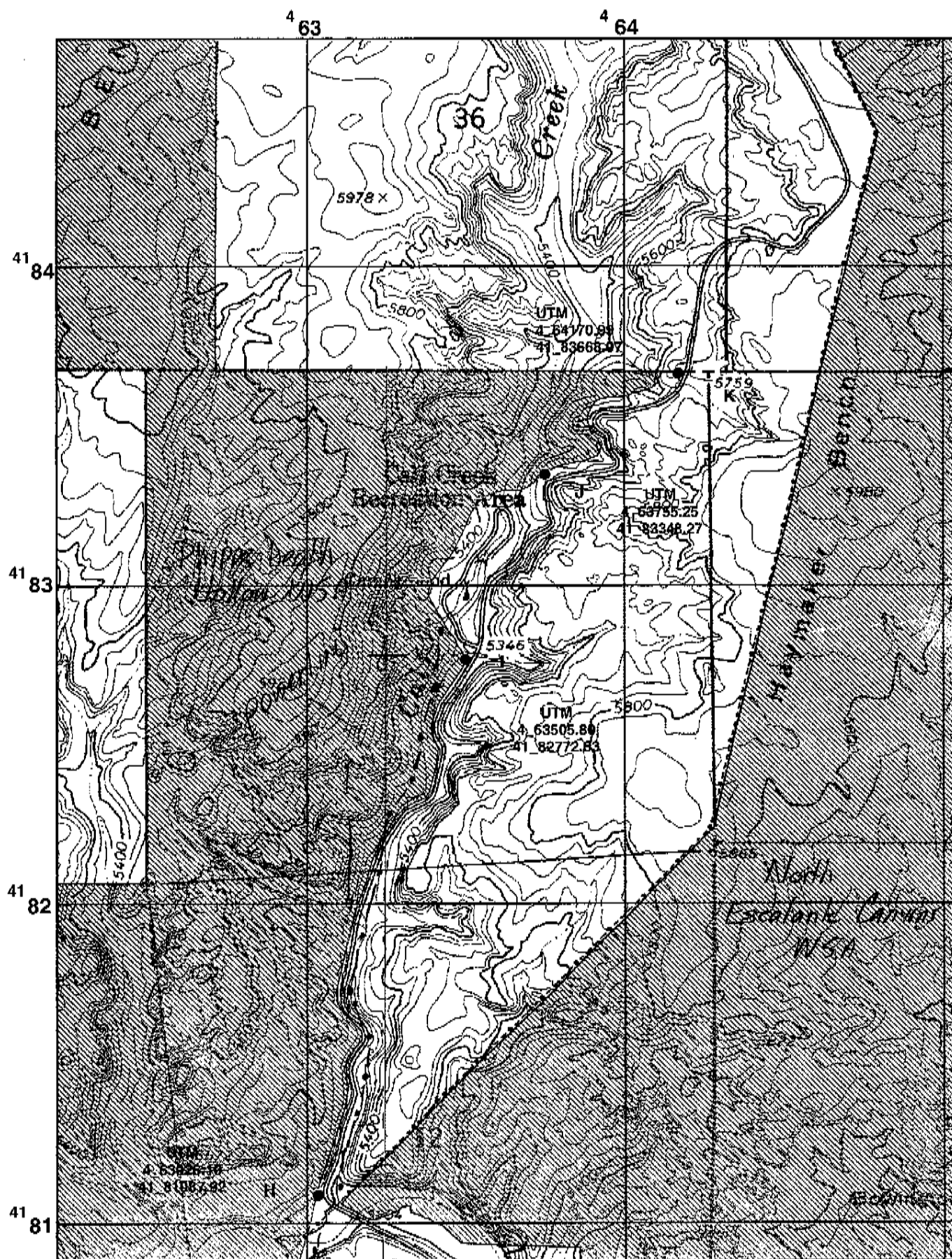
Sincerely,

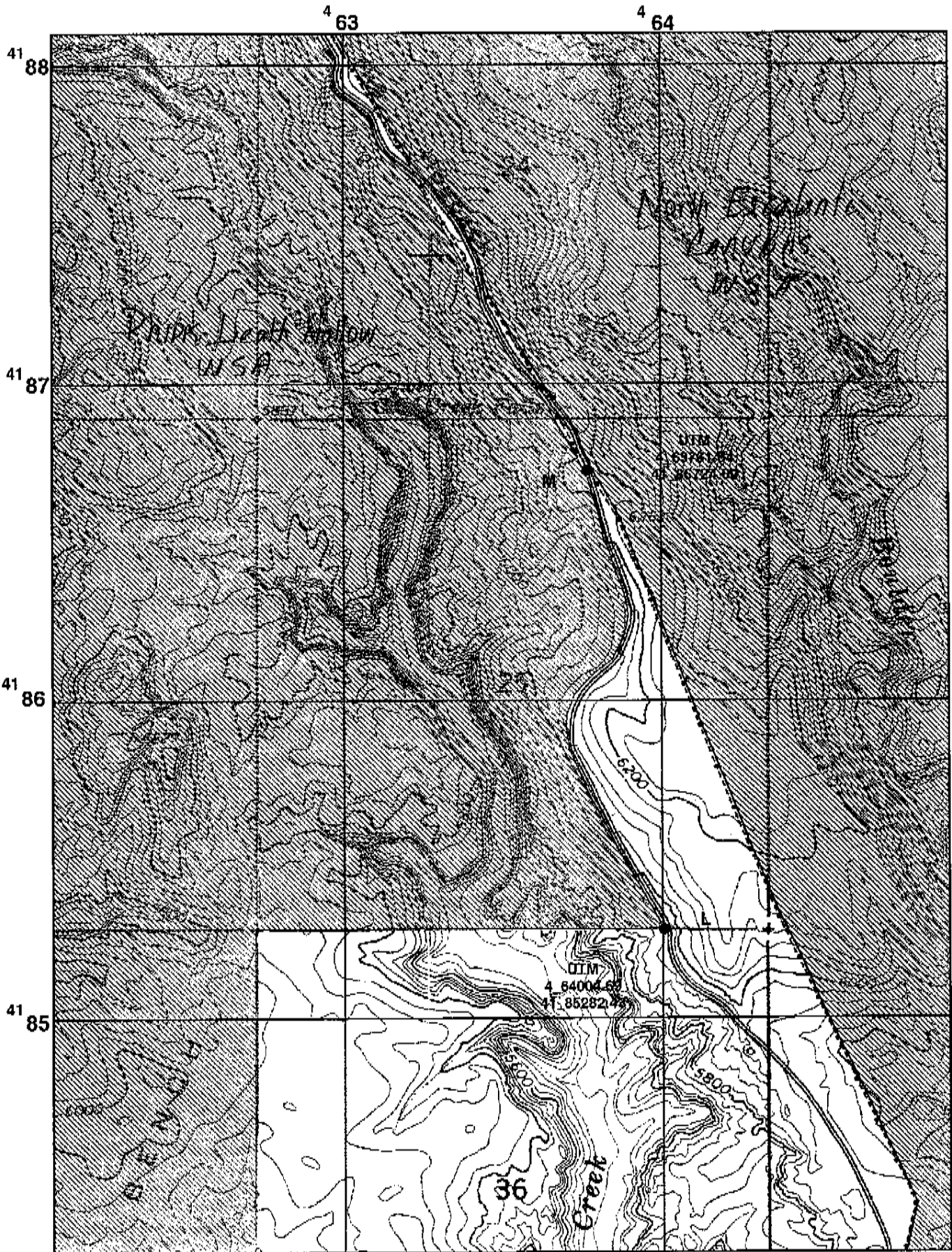
Shelley J. Smith
Branch Chief, Recreation, Wilderness,
Cultural and Fossil Resources

Enclosures
As Stated Above



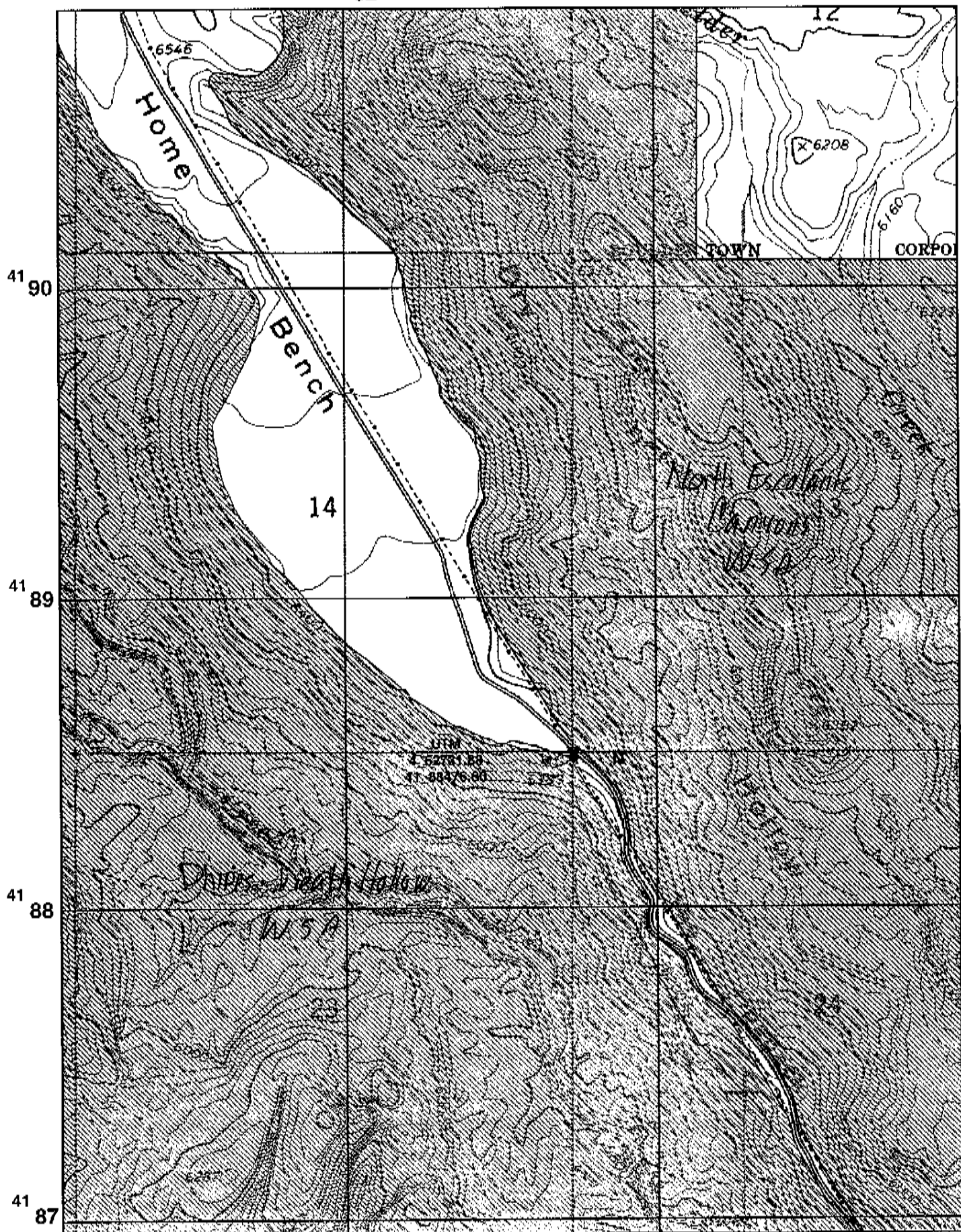






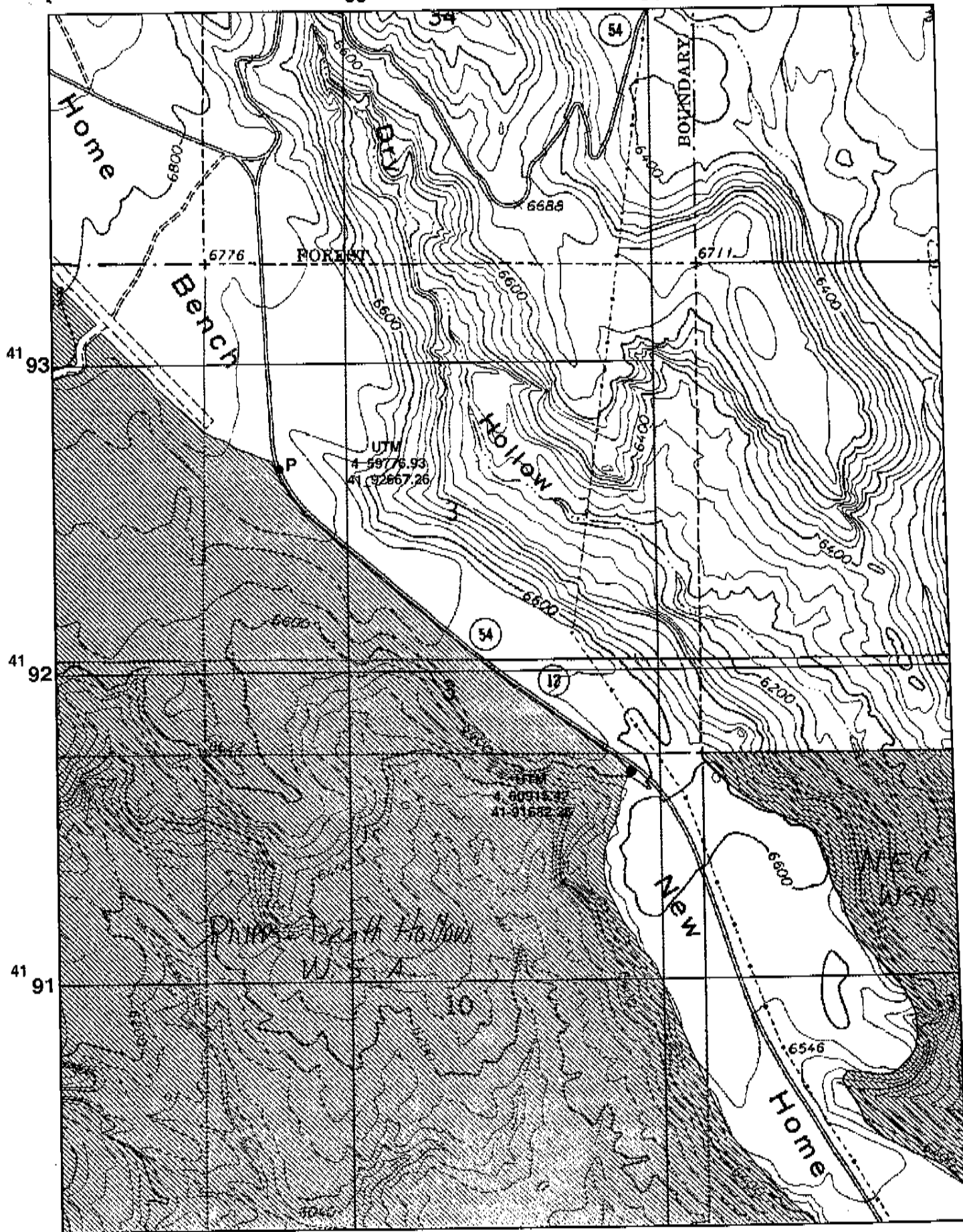
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United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Grand Staircase-Escalante National Monument

190 E Center Street
Kanab, UT 84741
<http://www.ut.blm.gov/monument>



IN REPLY REFER TO:
UT030-2800

August 8, 2006

Andrea Clayton
H.W. Lochner
310 East 4500 South
Salt lake City, UT 84107

RECEIVED AUG 15 2006

Dear Andrea,

This is to confirm recent discussions with you regarding the applicability of using Title 23 as an avenue available to pursue a right-of-way for State Route 12 through Grand Staircase-Escalante National Monument (GSENM). As recent e-mail messages forwarded to you indicate, Title 23 is not considered a public land law and therefore may be used as a method for the Federal Highway Administration to acquire a right-of-way through GSENM pursuant to the Bureau of Land Management and Federal Highway Administration Interagency Agreement of July, 1982 (copy enclosed).

Sincerely,

Marietta Eaton
Monument Manager (Acting)

Enclosure

cc

Carlos Machado, Federal Highway Administration (without enclosure)
Rick Torgerson, Utah Department of Transportation (without enclosure)

Mike Nelson
Anasazi State Park
PO BOX 1453
Boulder, UT
84716

RE: Environmental Assessment
SR-12 Improvements – Escalante to Boulder, Utah
Utah Department of Transportation (UDOT)
State Project No. STP-0012(8)60E

January 3, 2007

Dear Resource Agency Representative:

The SR-12, Escalante to Boulder Environmental Study project team has begun developing a National Environmental Policy Act (NEPA) document that will assess impacts of potential improvements to SR-12 between Escalante and Boulder, Utah. You may recall that an early scoping meeting was held in this regard in Boulder, Utah in the Fall of 2004, before any specific improvements had been identified.

It has recently been determined, through an extensive public involvement and stakeholder agency consultation process, that UDOT will pursue a Title 23 right-of-way acquisition from the U.S. Bureau of Land Management (BLM). Under Title 23, which is the standard mechanism for highway right-of-way and the desired avenue for UDOT, Federal Highway Administration (FHWA) and the BLM. FHWA will serve as the lead agency for the project.

Since the initial scoping event, the project team has collected hundreds of comments from the public and interested agencies regarding solutions for SR-12, and generated several technical reports to document this process. The project team has assimilated these suggested solutions and prioritized them based on context and need. The attached list of improvements represent those that require environmental clearance, and which could be reasonably and foreseeably funded and implemented in the next 10 years. Some additional improvements that do not require environmental clearance may also be implemented, including better signing and striping, pavement treatments and traffic calming elements at speed transition zones.

We would like your comments and input regarding the proposed actions. Please feel free to respond in writing, or to call me at (801) 262-8700. A more formal comment period will take place during a public hearing in late Spring of 2007 when a Draft NEPA document is available for review. You may also find it useful and informative to visit the project website at: www.udot.utah.gov/sr-12

Thank you for your interest and attention to this important project.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Tyler Robirds', with a stylized flourish at the end.

Tyler Robirds, P.E., Project Manager
H.W. Lochner

Encl: List of Proposed Actions
Project Map (8 1/2 x 11)

Cc: Monte Aldridge / UDOT Region 4
Carlos Muchado / FHWA

SCOPING STRATEGY

Initial Project Scoping (10/18-19/2004)

This early scoping event was conducted for the purpose of identifying general corridor resource issues, policies and values, to generally inform relevant resource agencies of the project concepts, and to kickoff the project environmental process. Resource Agency Invitees/Attendees included:

U.S. BLM/ GSENM – Director (Hunsaker)	Scenic SR-12 Byway Committee (Angus, et al)
U.S. BLM/ GSENM – (Sorenson/Chapman)	Anasazi State Park – Director (Nelson)
U.S. BLM/ GSENM – Planner (Wolf)	U.S. EPA – NEPA Coordinator (Lebow)
U.S. DA/NRCS – Conservationist (Gillen)	U.S. DA/USFS – Dixie NF (Schulkoski)
U.S. FWS – Field Ecologist (Herrmann)	U.S. Army COE – Reg. Chief (McNure)
U.S.G.S. – State Office (Lambert)	U.S. BOR – Reg. Director (Gold)
Utah DNR – Ex. Director (Morgan)	Utah DNR – Habitat Mgr. (Bonebrake)
Utah DNR – Parks Director (Tullius)	Utah DNR – Forestry Dir. (Buehler)
Utah DNR – Water Rights (Williamson)	Utah SITLA – Director (Brown)
Utah DEQ – Ex. Dir. (Nielson)	Utah Water Quality Div. – Mgr. (Rushing)
Utah Air Quality Div. – Dir. (Spratt)	Utah Div. of S&HW – Dir. (Downs)
Utah Div. of Parks – (Shakespeare)	State Historic Preservation Office (general)

Final Project Scoping (1/2007)

As the Environmental Assessment is now in preparation, final resource agency contacts were determined to be appropriate, for the purpose of residual scoping of resource issues. The reasons for this two-step process are twofold: specifics regarding the proposed actions are now more fully known and, approximately two years has passed since the initial scoping event. The agencies and individuals that should be re-contacted for this purpose include those agencies who have previously expressed interest or jurisdiction. These agencies (listed above) will receive an invitation to provide additional comment, in the form of a letter/information packet.

Identical copies of this letter were sent to the following:

Paul Chapman U.S. BLM/GSENM 190 E. Center Street Kanab, UT 84741	Mike Nelson Anasazi State Park P.O. Box 1453 Boulder, UT 84716
Sylvia Gillen U.S. DA/NRCS 125 S. State, Rm. 8301 Salt Lake, UT 84138	Deborah Lebow U.S. EPA 999 18 th Street, Ste. 300 Denver, CO 80202-2466
Gina Lampman U.S. DA/ USFS P.O. Box 246 Escalante, UT 84726	Jerry Chaney UDOT 4501 S. 2700 W. Salt Lake, UT 84104
Betsy Herrmann U.S. FWS 2369 W. Orton Circle, Ste. 50 West Valley City, UT 84119-2047	Edward Woolford FHWA 2520 W. 4700 S., Ste. A Salt Lake, UT 84118-1847
Patrick M. Lambert U.S.G.S 2329 W. Orton Circle, Ste. 50 West Valley City, UT 84119-2047	Randall Taylor UDOT 1345 S. 350 W. Richfield, UT 84701
Bruce Bonebrake Utah DNR P.O. Box 606 Cedar City, UT 84720-0606	Monte Aldridge UDOT 1345 S. 350 W. Richfield, UT 84701
Chuck Williamson Utah DNR P.O. Box 146300 Salt Lake, UT 84114-6300	Caroline Wright Resource Development Coord. Council P.O. Box 141103 Salt Lake, UT 84114-1103
Kevin Carter Utah Trust Lands 675 E. 500 S., Ste. 500 Salt Lake, UT 84102	Steve Roberts USACE 321 N. Mall Drive, Ste. L101 St. George, UT 84790-7310
Dianne Nielson Utah Dept. of Environmental Quality P.O. Box 144810 Salt Lake, UT 84114-4870	Rick Sprott Utah Division of Air Quality 150 S. 1950 W. Salt Lake, UT 84116
Tom Rushing Utah Division of Water Quality P.O. Box 144870 Salt Lake, UT 84114-4870	Aaron Farmer Utah State Parks and Recreation P.O. Box 180069 Cannonville, UT 84718



State of Utah

Department of Natural Resources

MICHAEL R. STYLER
Executive Director

Utah Geological Survey

RICHARD G. ALLIS, PH.D.
*State Geologist/
Division Director*

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

January 16, 2007

Josh C. Whiting
Montgomery Archaeological Consultants
322 East 100 South
P.O. Box 147
Moab UT 84532

RE: Paleontological File Search and Recommendations for UDOT Project No. STP-0012(8)60E and H.W. Lochner's State Road 12 Improvement Project from Escalante to Boulder, Garfield County, Utah
U.C.A. 63-73-19 (Paleontological) Compliance; Request for Confirmation of Literature Search according to the UDOT/UGS Memorandum of Understanding.

Dear Josh:

I have conducted a paleontological file search for the State Road 12 Improvement Project in response to your fax of January 9, 2007. This project qualifies for treatment under the UDOT/UGS executed Memorandum of Understanding.

There are several known paleontological localities recorded in our files for this project area. These localities are significant vertebrate track sites from the Jurassic Kayenta and Navajo Formations, some of which occur in road cuts immediately adjacent to the highway. There is also a high potential for the discovery of additional vertebrate track sites in the Kayenta, Navajo, and Entrada Formations, as well as some potential for the discovery of vertebrate body fossils in the Kayenta Formation. The office of the State Paleontologist therefore recommends that this project be evaluated by a paleontologist in order to determine and mitigate any potential impacts to paleontological resources. Monitoring of any road construction where these units are exposed is also recommended. Since this project lies within Grand Staircase-Escalante National Monument, we also recommend that you contact GSENM Paleontologist Alan Titus (Alan.Titus@blm.gov or (435) 644-4332). If you have any questions, please call me at (801) 537-3311.

Sincerely,

Martha Hayden
Martha Hayden
Paleontological Assistant

cc Alan Titus, GSENM Paleontologist



DEPARTMENT OF THE ARMY

SACRAMENTO DISTRICT, CORPS OF ENGINEERS

321 N Mall Drive L-101

St. George, Utah 84790

February 20, 2007

REPLY TO
ATTENTION OF:

St. George Regulatory Field Office

SUBJECT: Environmental Assessment
SR1-12 Improvements STP-0012(8)60E

Tyler Robirds
LOCHNER
310 East 4500 South, Suite 600
Salt Lake City, UT 84107

Dear Mr. Lochner,

Thank you for your letter dated February 12, 2007 requesting comments to a proposal from UDOT for improvements to SR-12, Escalante to Boulder, UT. Provided the alignment will not impact waters of the United States regulated by this office and as defined under 33 CFR part 328.3(a), this office has no comment on the project. If you have any concerns over jurisdictional waters or our permitting program I can be reached at steven.w.roberts@usace.army.mil or 435-986-3979. Thank you for the opportunity to review and comment.

Please be advised that performing work without a permit may subject the applicant to civil and/or criminal action, for violation of Section 404 of the Clean Water Act (33 U.S.C. 1344).

If you have any questions, please contact me at (435) 986-3979.

Sincerely,

Steve W. Roberts
Chief, St. George Regulatory Field Office
USACE



State of Utah

Department of
Environmental Quality

Dianne R. Nielson, Ph.D.
Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

February 27, 2007

Utah Department of Transportation (UDOT)
Attention: Tyler Robirds, P.E., Project Manager
SR-12 Improvements – Escalante to Boulder, Utah
State Project No. STP-0012(8)60E

Dear Mr. Robirds:

The Utah Division of Water Quality staff has reviewed the referenced information and map. It is our opinion that applicable water quality standards may be violated unless appropriate Best Management Practices (BMPs) are incorporated to minimize the erosion-sediment load to Calf Creek or any adjacent waters during project activities and operation of the facilities. We strongly recommend that appropriate water quality parameters be monitored for effectiveness of sediment control and other applicable BMPs.

Potential impacts from runoff during construction or during long-term operation of the road may include the degradation of water quality, increased quantities and intensities of peak flows, channel erosion, flooding, and geomorphologic deterioration that may directly or indirectly cause an inability of streams to achieve ecological balance and retain their designated beneficial uses. Emphasis in design should avoid concentration of storm water to fewer drainage locations. The intent should be to allow or mimic the natural flow patterns to the degree possible.

The Division of Water Quality requests the following conditions be included in the Environmental Impact Statement (EIS), as follows:

1. Whenever an applicant causes the water turbidity in an adjacent surface water to increase by 10 NTU's or if there is any visible increase in turbidity as a direct result of the project, the applicant shall notify the Division of Water Quality.
2. The applicant shall not use any fill material which may leach organic chemicals (e.g., discarded asphalt) or nutrients (e.g., phosphate rock) into the receiving water.
3. Applicant shall protect any potentially affected fish spawning areas.

4. Apply for a stream alteration permit from Utah Division of Water Rights.
5. The following permits from our Division are required during the construction phase of the project:
 - a. Construction activities that grade one acre or more per common plan are required to obtain coverage under the Utah Pollutant Discharge Elimination System (UPDES) Storm Water General Permit for Construction Activities, Permit No. UTR100000. The permit requires the development of a storm water pollution prevention plan to be implemented and updated from the commencement of any grading activities at the site until final stabilization of the project. A fact sheet describing the permit requirements and application procedures is located on our web site waterquality.utah.gov.
 - b. Dewatering activities, if necessary during the construction, may require coverage under the UPDES General Permit for Construction Dewatering, Permit No. UTG070000. The permit requires water quality monitoring every two weeks to ensure that the pumped water is meeting permit effluent limitations, unless the water is managed on the construction site.
6. In addition to these permitting requirements, the Division of Water Quality requires the submission of plan elements for permanent storm water runoff control and treatment. The plan should include BMPs that will include the replacement of disturbed vegetation with native plants and a buffer strip along the road to filter petroleum, sediments and other contaminants from entering waters of the State.

Thank you for the opportunity to partner with UDOT on this project. If you have any questions, please contact Shelly Quick at (801) 538-6516.



U.S. Department
Of Transportation
**Federal Highway
Administration**

*Statewide
programmatic
agr*

Utah Division
2520 West 4700 South, Ste. 9A
Salt Lake City, UT 84118-1847

June 12, 2007

File: Section 4(f) *De Minimis*

Mr. Wilson Martin
State Historic Preservation Officer
Division of State History
300 South Rio Grande Street
Salt Lake City, Utah 84101

Subject: Section 4(f) De Minimis Determination; Pursuant to SAFETEA-LU Section 6009
In Conjunction with Section 106 Programmatic Agreement Among the Federal Highway
Administration, the Advisory Council on Historic Preservation, the Utah State Historic
Preservation Officer, and the Utah Department of Transportation

Dear Mr. Martin:

This letter was prepared in response to the FHWA December 13, 2005 Guidance regarding Section 6009 (a) of the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity: A Legacy for Users (SAFETEA-LU) Act Pub. L. 109-59. Section 6009 allows increased flexibility with respect to minor transportation impacts to Section 4(f) properties, including historic properties. It simplifies the processing and approval of federally funded transportation projects that have a *de minimis* impact on lands protected by Section 4(f). For historic properties, a finding of *de minimis* impact on a historic site may be made by the FHWA when Section 106 consultation results in the *written* concurrence of the SHPO with the determination of "no adverse effect" or "no historic properties affected".

Public Law 109-59 (SAFETEA-LU) has no new Section 106 implications other than the requirement for written SHPO concurrence with Section 106 findings of effect for individual Section 4(f) properties. It does require FHWA to notify the SHPO of FHWA's intent to utilize the finding of "no historic properties affected" or "no adverse effect" for individual Section 4(f) properties as a basis for making a Section 4(f) *de minimis* use finding.

The December Guidance offers two specific points of relevant direction:

Question B. How should the concurrence of the SHPO and/or THPO, and ACHP if participating in the Section 106 determination, be documented when the concurrence will be the basis for a *de minimis* finding?

Answer: Section 4(f) requires that the SHPO and /or THPO, and ACHP if participating, must concur in writing in the Section 106 determination of "no adverse effect" or "no historic properties affected." The request for concurrence in the Section 106 determination should include a statement informing the SHPO or THPO, and ACHP if participating, that the FHWA or FTA intends to make a *de minimis* finding based upon their concurrence in the Section 106 determination.

**MOVING THE
AMERICAN
ECONOMY**



Under the Section 106 regulation, concurrence by a SHPO and/or THPO may be assumed if they do not respond within a specified timeframe, but Section 4(f) explicitly requires their written concurrence. It is recommended that transportation officials share this guidance with the SHPOs and THPOs in their States so that these officials fully understand the implication of their concurrence in the Section 106 determinations and the reason for requesting written concurrence.

Question C. Certain Section 106 programmatic agreements (PAs) allow the lead agency to assume the concurrence of the SHPO and/or THPO in the determination of "no adverse effect" or "no historic properties affected" if response to a request for concurrence is not received within a period of time specified in the PA. Does such concurrence through non-response, in accordance with a written and signed Section 106 PA, constitute the "written concurrence" needed to make a *de minimis* finding?

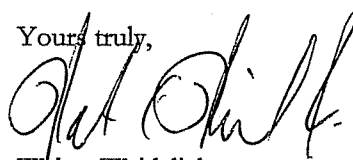
Answer: In accordance with the provisions of a written and signed programmatic agreement, if the SHPO and/or THPO does not respond to a request for concurrence in the Section 106 determination within the specified time, the non-response together with the written agreement, will be considered written concurrence in the Section 106 determination that will be the basis of the *de minimis* finding by FHWA or FTA.

FHWA or FTA must inform the SHPOs and THPOs who are parties to such PAs, in writing, that a non-response that would be treated as a concurrence in a "no adverse effect" or "no historic properties affected" determination will also be treated as the written concurrence for purposes of the FHWA or FTA *de minimis* use finding. It is recommended that this understanding of the parties be documented by either appending the written notice to the existing PA, or by amending the PA itself.

According to 2005 Guidance, by transmittal of this letter, the FHWA is notifying your office of FHWA's intent to make the Section 4(f) *de minimis* use finding for properties where a determination of no historic properties affected (no effect), or no adverse effect have been concurred in by your office or when your office has not replied within the appropriate timeframe with written concurrence.

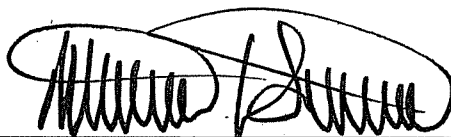
By the following signature, the SHPO acknowledges it has been notified of the intent of the FHWA to make a *de minimis* finding based on Section 106 determinations of effect for specific properties.

Yours truly,



Walter Waidelich
Division Administrator

Concurrence:



~~Wilson Martin~~, State Historic Preservation Officer

7/19/07

Date

**Matthew T. Seddon, RPA
Deputy State Historic
Preservation Officer**

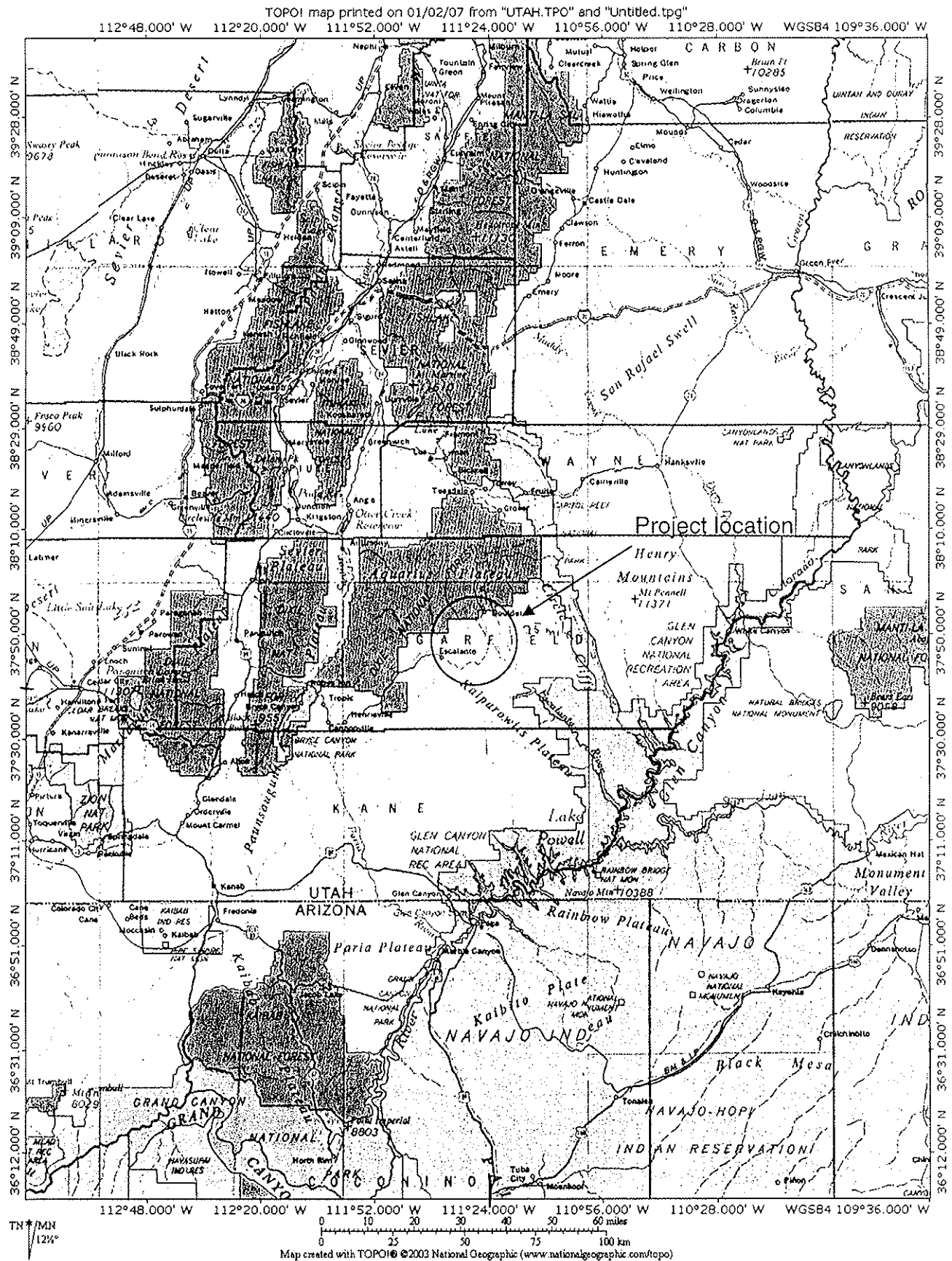


Figure 1: General project location.

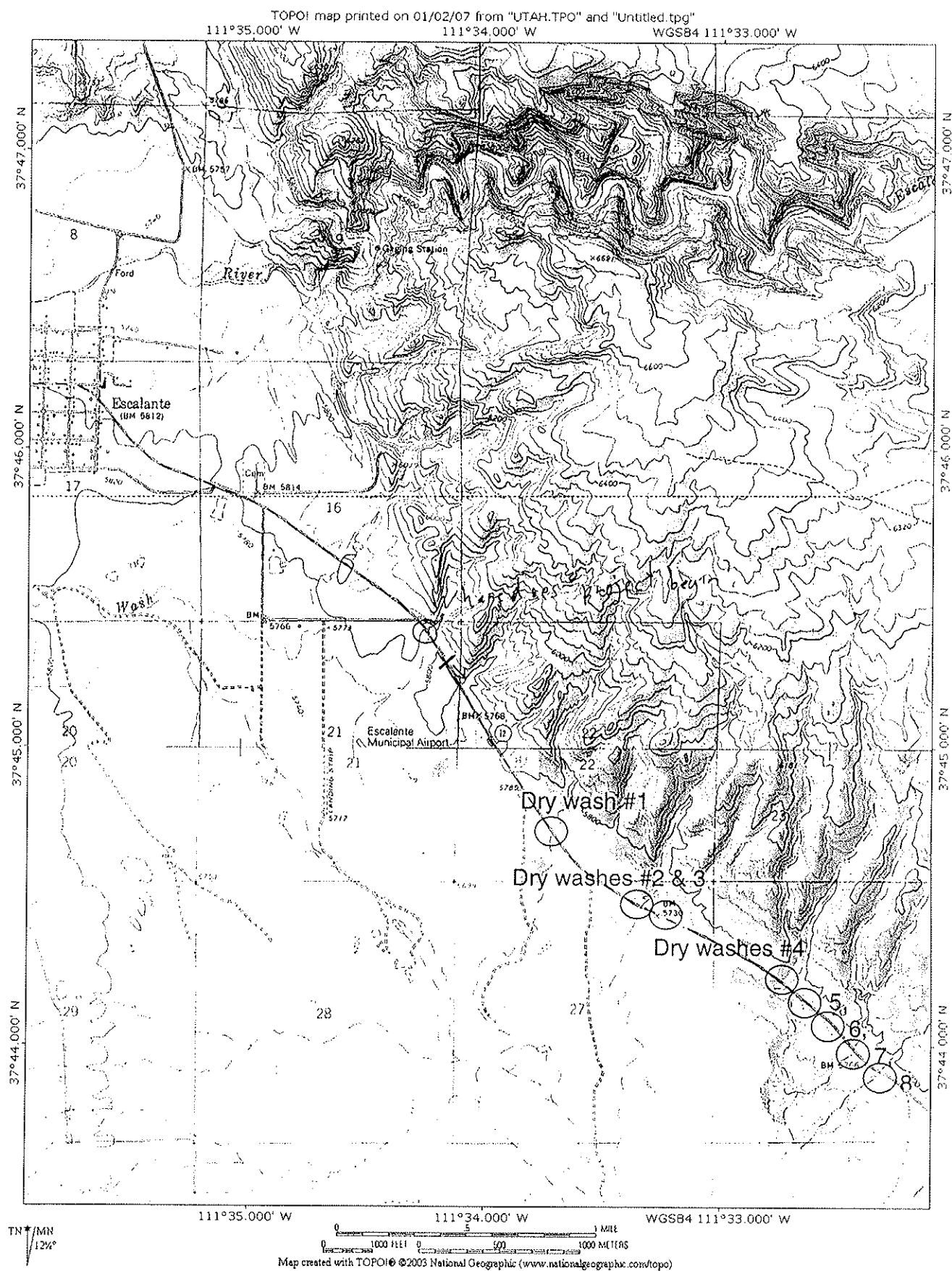


Figure 2: USGS, Escalante 7.5' topographical map. Sections 16, 21, 22, 27, 26 T35S, R3E, SLBM.
Alpine Environmental Resources, LLC

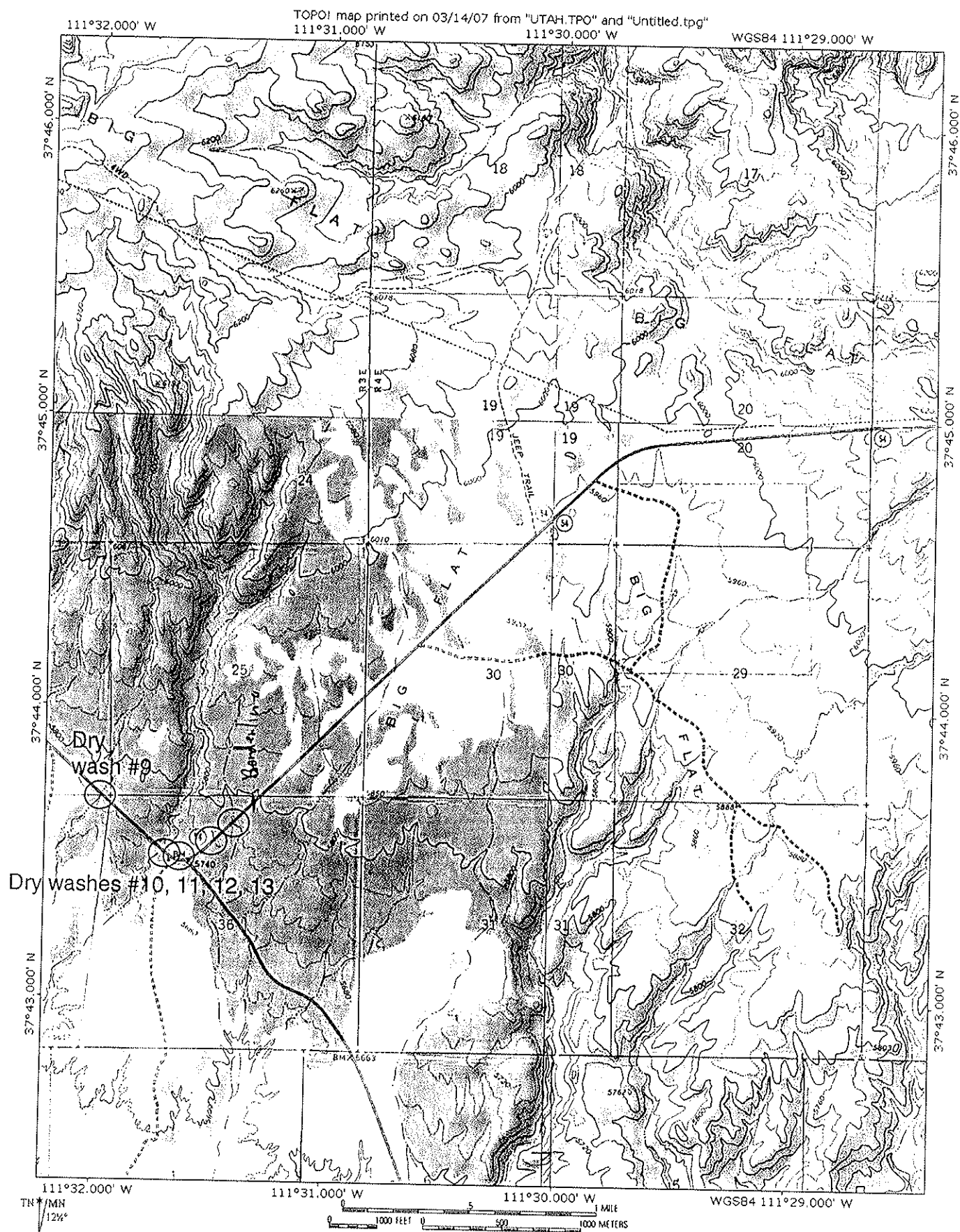


Figure 3: USGS, Hole in the Rock Road 7.5' topographical map. Sections 26, 36, 25, T35S, R3E, Sections 30, 19, 20 T35S, R4E, SLBM.

Alpine Environmental Resources, LLC

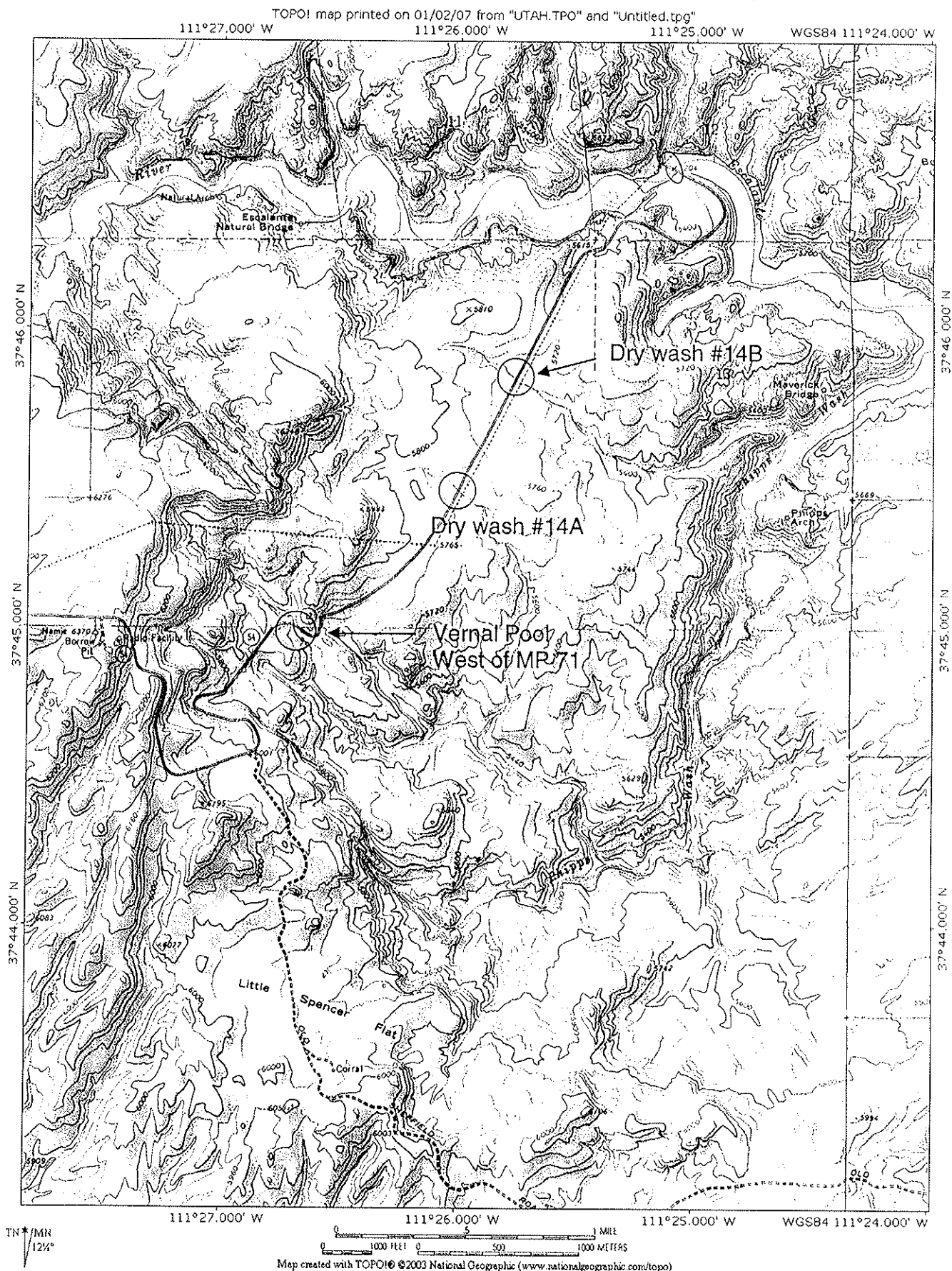


Figure 4: USGS Spencer Flat 7.5' topographical map. Sections 22, 23, 14, 13, 12, T35S, R4E, SLBM.

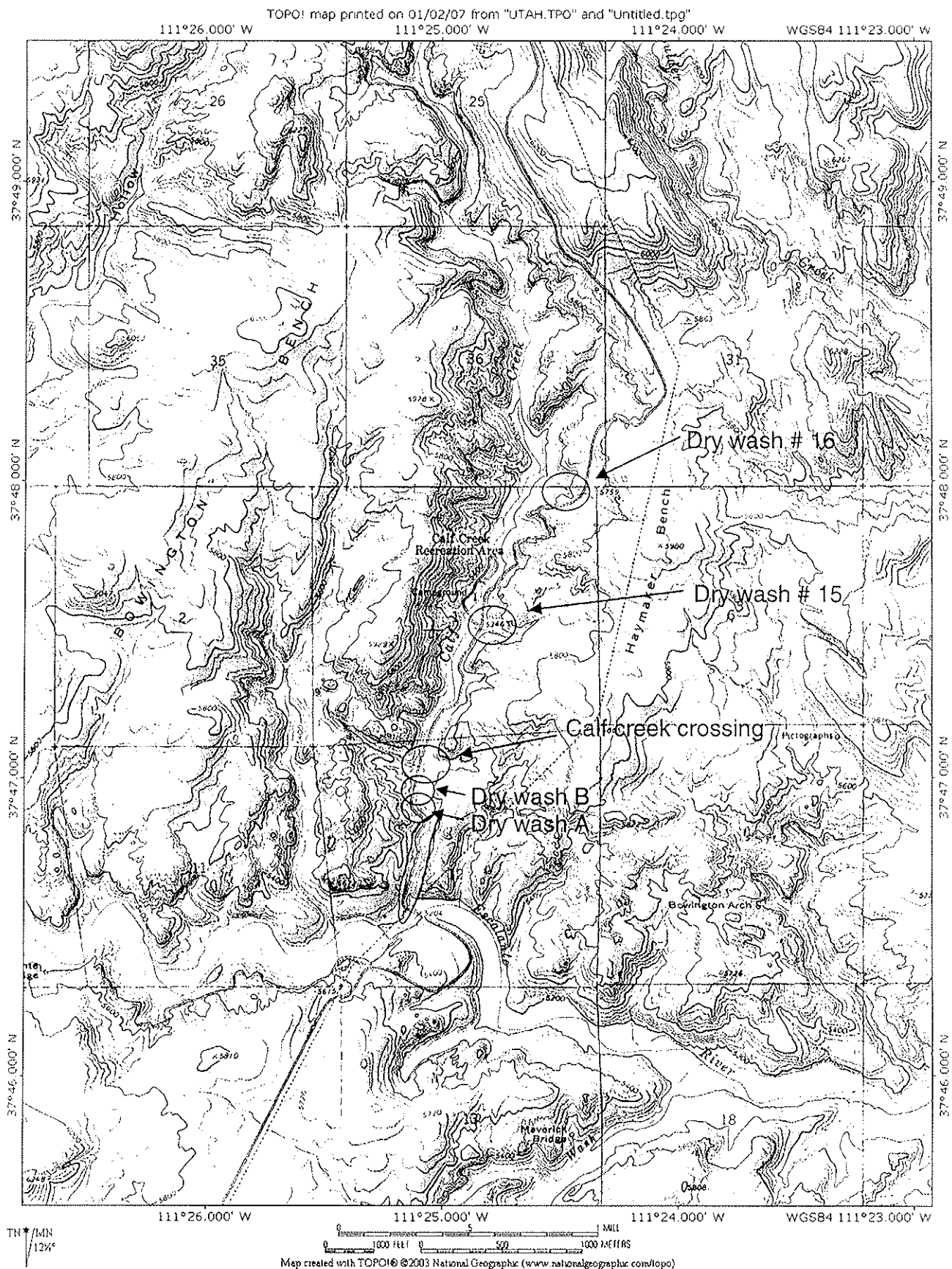


Figure 5: USGS Calf Creek 7.5' topographical map. Sections 14, 13, 12, 1, T35S, R4E, Sections 36, 25, T34S, R4E, Section 6 T35S, R3E, SLBM.

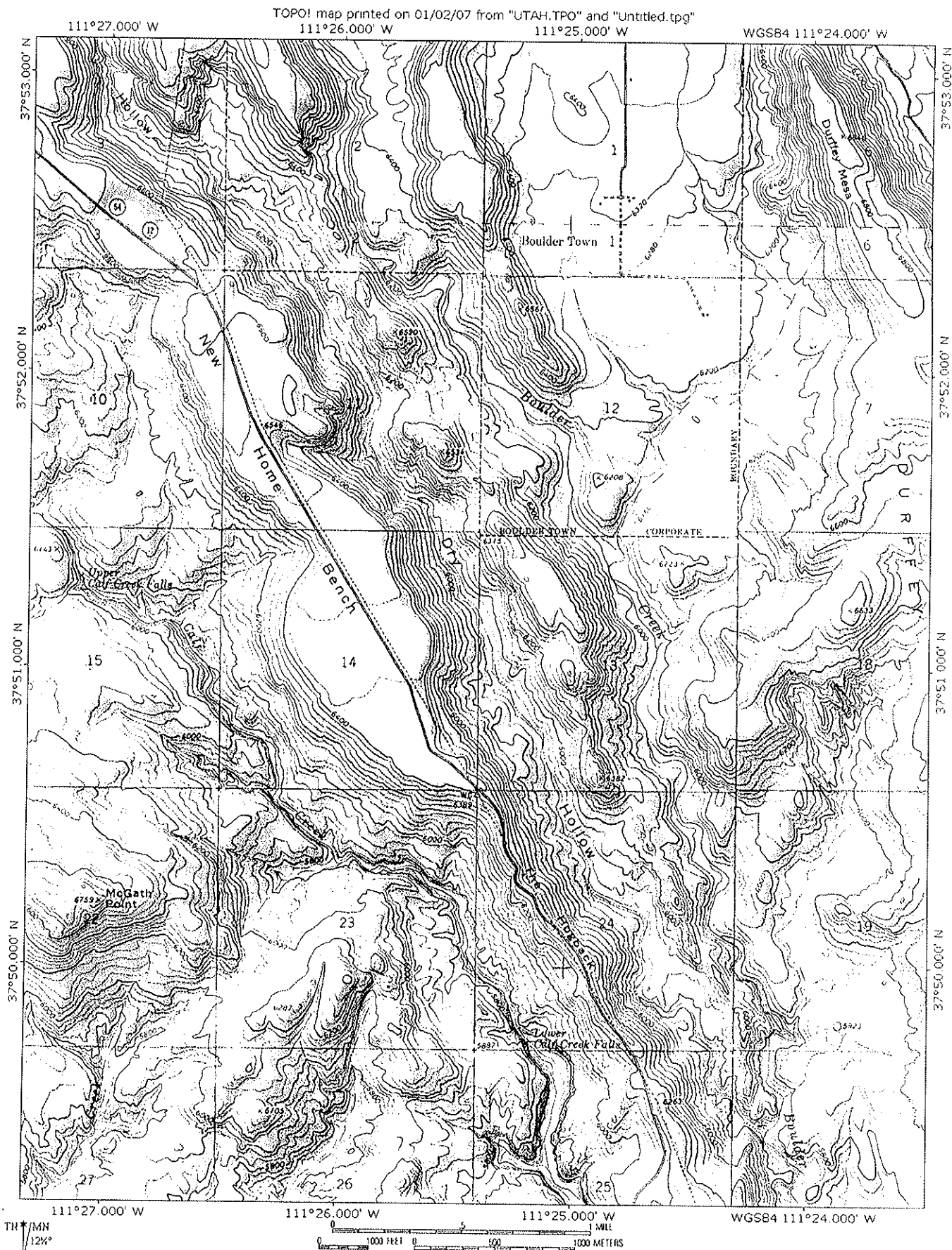


Figure 6: USGS New Home Bench 7.5 topographical map. Sections 25, 24, 14, 11, 10, 3, T34S, R4E, SLBM.

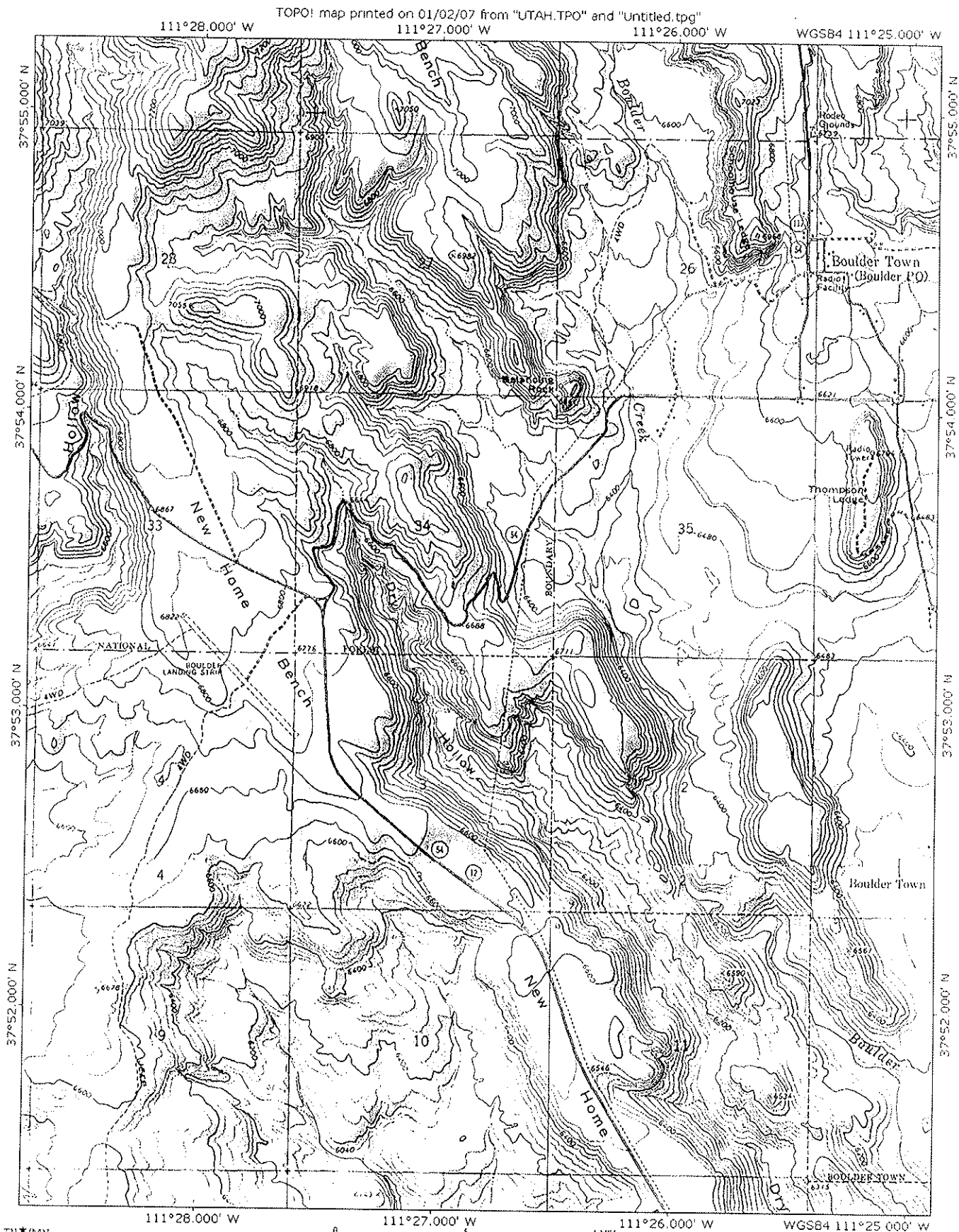


Figure 7: USGS Boulder 7.5' topographical map. Sections 11, 10, 3, T34S, R4E, Sections 34, 33, T33S, R4E, SLBM.

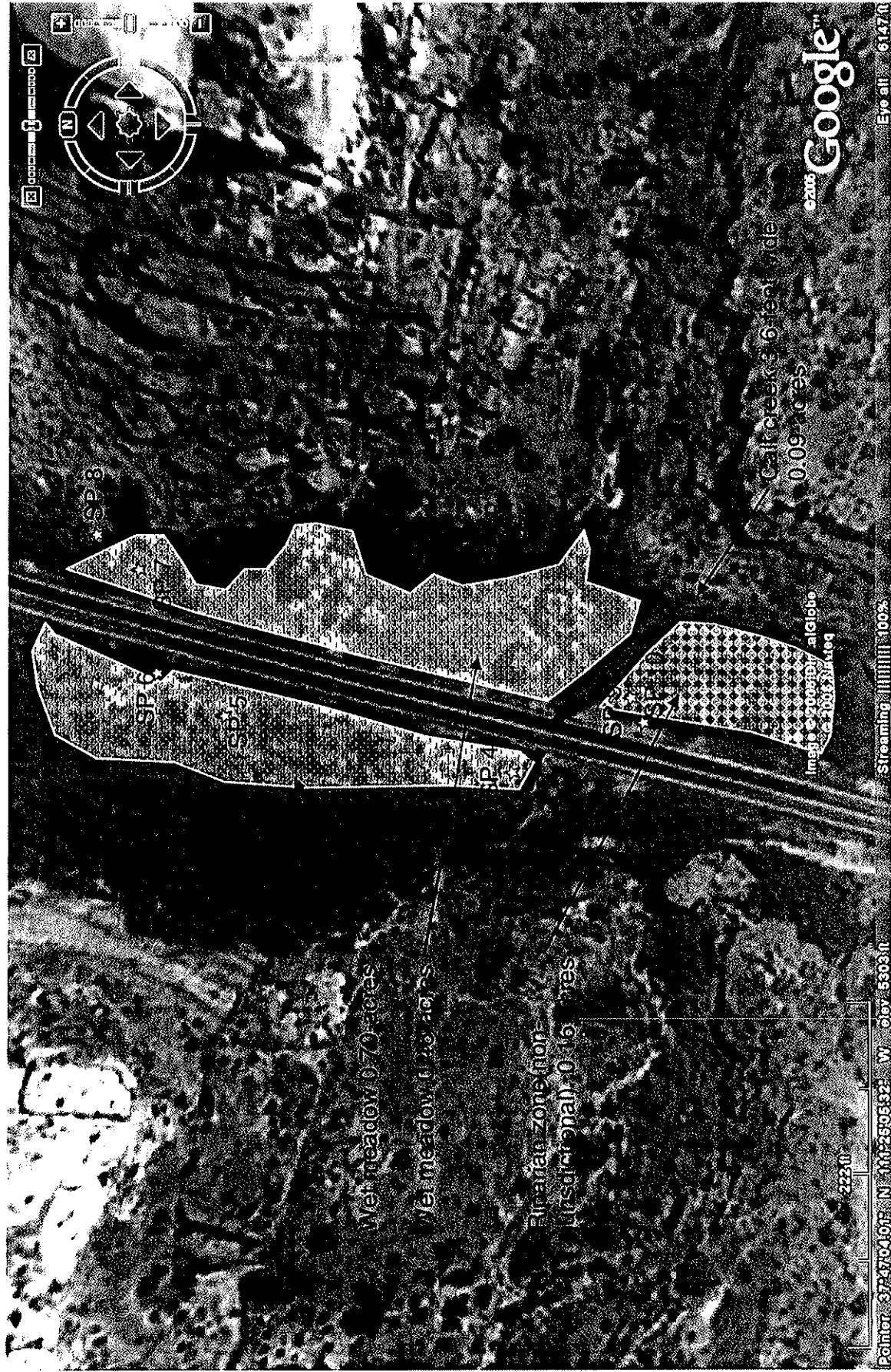


Figure 9: Aerial photograph of Calf Creek road crossing. Sections 12, T35S, R4E, SLBM.



State of Utah

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

JOHN R. NJORD, P.E.
Executive Director

CARLOS M. BRACERAS, P.E.
Deputy Director

04-1201

October 4, 2007

Dr. Matthew Seddon
Deputy State Historic Preservation Officer
Utah Division of State History
300 Rio Grande
Salt Lake City, UT 84101-1182

Subject: Project #STP-0012(8)60E
SR-12; Escalante to Boulder
Determination of Adverse Effect

Dear Dr. Seddon:

In cooperation with the Federal Highway Administration (FHWA), the Utah Department of Transportation (UDOT), is proposing to make improvements at several locations along SR-12 between Escalante and Boulder, Utah. The project involved includes the following:

1. Right-of-way federal lands transfer (MP 68.9 to 83.1);
2. Calf Creek Bridge Replacement (MP 74.5),
3. Roadway and/or roadside stabilization at three locations (MP 74.8, 75.4, and 77.5 to 77.7);
4. Slow vehicle turnout construction at seven locations (eastbound at MP 71.7, 76.2, 79.5, and westbound at MP 69.0, 69.9, 72.5, and 83.0),
5. Intersection improvements at Hole-in-the-Rock Road (MP 64.4) and Calf Creek Recreation Area (MP 75.0), and
6. Curve widening at MP 71.0.

In accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. § 470 et seq., and Utah Code Annotated (U.C.A.) § 9-8-404, the FHWA, in partnership with the UDOT, has taken into account the effects of this undertaking on historic properties, and has afforded the USHPO an opportunity to comment on the undertaking. Please review this letter and, providing you agree with the finding contained herein, sign and date the signature line at the end of this letter.

The project area is located in Garfield County, between MP 64 and MP 84, on lands administered by the Grand Staircase-Escalante National Monument, (managed by the Bureau of Land Management (BLM)), and the School and Institutional Trust Lands Administration (SITLA). The legal description for the entire project area is Township 34 South, Range 4 East, Sections 3, 13, 14, 24, 25, and 31; Township 35 South, Range 3 East, Sections 25, 26, 35, and 36; Township 35 South, Range 4 East, Sections 1, 12, 14, 21, 22, 23, and 27.

Received
OCT 29 2007
USHPO

Cedar City District, 1470 North Airport Road, Cedar City, UT 84721-1009
telephone 435-865-5500 | facsimile 435-865-5564 | www.udot.utah.gov

An Environmental Assessment (EA) was initiated in 2005 to evaluate the potential impacts of the proposed projects. At that time, the area of potential effects (APE) included the entire right-of-way corridor between Escalante and Boulder, Utah. Since that time, specific projects and project locations have been identified and the APE has been adjusted to address the identified project locations. In consideration of both direct and indirect effects, the APE for the project is defined as the area within a 400' corridor, 200' off the centerline, and 100' from the beginning and terminus of each project segment. For the sake of consistency and simplicity, the APE is the same for each project segment.

Consultation

Native American consultation was initiated by sending letters requesting information on any historic properties of traditional religious and/or cultural importance and notification of interest in being a consulting party on the project. Letters were sent to the Paiute Indian Tribe of Utah, the Kanosh and Kaibab Bands of Paiute Indians, the Hopi Tribe, and the Bureau of Indian Affairs (BIA) on April 5, 2005. The Paiute Indian Tribe responded to this letter on April 29, 2005 requesting to be included as a consulting party.

A letter identifying the specific projects and their locations was sent by the FHWA on January 17, 2007 to the tribes listed above, with the exception of the BIA. The Hopi Tribe responded January 30, 2007 and also requested to be included in consultation for this project. Draft cultural resource reports were sent to all of the tribes listed above on August 9, 2007 for their review. The Hopi Tribe again responded, requesting that if NRHP eligible sites cannot be avoided to provide them with a copy of the draft treatment plan. When the draft treatment plan or draft MOA becomes available, a copy will be sent to their office for review.

Associated government agencies notified include the Bureau of Land Management (BLM), the Dixie National Forest (DNF), and the School and Institutional Trust Lands Administration (SITLA). Initial project notification letters were sent April 5, 2005. After the project APE had been reduced to the project specific locations, it was noted that the lands administered by the DNF were no longer included, therefore subsequent correspondence continued with the BLM and SITLA only. Because the majority of land occurs on BLM administered lands, and specifically sites which may be impacted by the project, a copy of the Class I report completed in 2005 was sent to the BLM archaeologist on February 20, 2007. Draft cultural resource reports were sent to the BLM and SITLA on August 9, 2007.

Archaeological Resources – Determination of Eligibility

At the initial stages of the EA, Montgomery Archaeological Consultants (MOAC) completed a Class I existing data review in March 2005. The Class I search included the entire right-of-way corridor between Escalante and Boulder and resulted in the identification of 30 previous cultural resource inventories and 132 previously documented sites within the project area (see "Class I Existing Data Review of the State Road 12 Improvement Project From Escalante to Boulder, Garfield County, Utah").

Once the individual projects were identified, a Class III cultural resource inventory was requested and again completed by MOAC. For this investigation, a records search was conducted February 21 and 22, 2005 at the Antiquities Section of the Utah State Division of History. Fieldwork was conducted between April 20 and May 15, 2007 by Keith Montgomery (Project Director), Josh C. Whiting (Field Supervisor), and Roger Stash. All work was completed under the auspices of U.S.D.I. (FLPMA) Permit No. 07-UT-60122, State of Utah Public Lands Policy Archaeological Survey Permit No. 117, and State of Utah Antiquities Permit (Survey) No. U-07-MQ-0381bs.

An intensive pedestrian survey (100% coverage) was performed for this project along the 14 proposed SR-12 improvement areas. The project area includes 14 discontinuous improvement sections between MP 64 and MP 84. The inventory width varied between 50 ft and 450 ft off the centerline, depending on the improvement proposed for each of the 14 sections. A total of 50.2 acres were inventoried for cultural and fossil resources, of which 46.7 acres occur on public lands administered by the BLM and 3.5 acres occur on SITLA property.

The cultural resource inventory resulted in the relocation of one previously recorded archaeological site (42Ga5647), and the documentation of 15 new sites (42Ga6077 through 42Ga6091). Of the 16 total sites identified within the APE, 11 have been determined to be eligible for nomination to the National Register of Historic Places (NRHP)(see Table 1). A copy of the resulting report is enclosed for your review.

Table 1. Cultural resource sites identified

Site	Recorded	Description	Eligibility	Effect
42Ga5647	previous	Prehistoric Lithic Scatter	Eligible, Criterion D	Adverse Effect
42Ga6077	new	Prehistoric Temporary Camp	Eligible, Criterion D	No Effect
42Ga6078	new	Prehistoric Temporary Camp	Eligible, Criterion D	No Effect
42Ga6079	new	Prehistoric Lithic Scatter	Eligible, Criterion D	No Effect
42Ga6080	new	Prehistoric Lithic Scatter	Eligible, Criterion D	No Effect
42Ga6081	new	Prehistoric Lithic Scatter	Eligible, Criterion D	No Effect
42Ga6082	new	Prehistoric Rock Art	Eligible, Criteria C & D	No Effect
42Ga6083	new	Calf Creek Bridge Remnants	Not Eligible	No Effect
42Ga6084	new	Prehistoric Surface Quarry	Not Eligible	No Effect
42Ga6085	new	Prehistoric Surface Quarry	Not Eligible	No Effect
42Ga6086	new	Prehistoric Lithic Scatter	Eligible, Criterion D	No Effect
42Ga6087	new	Prehistoric Lithic Scatter	Eligible, Criterion D	No Effect
42Ga6088	new	Prehistoric Lithic Scatter	Eligible, Criterion D	No Effect
42Ga6089	new	Historic Power/Telephone Line	Not Eligible	No Effect
42Ga6090	new	SR-12 Road Segments & Features	Not Eligible	No Effect
42Ga6091	new	Escalante to Boulder Road Segments & Features	Eligible, Criteria A & C	No Adverse Effect

Finding of Effect

Under the preferred alternative, sites 42Ga6077 through 42Ga6090 will not be impacted by the project as the sites are either considered ineligible for the NRHP or will be avoided during construction activities. For NRHP eligible sites within the project APE where construction activities will take place within 50 feet of the site (42Ga6077 - 42Ga6081 & 42Ga6086 - 42Ga6088), temporary environmental fencing will be constructed to aid in the avoidance of the site.

Site 42Ga6091 is what remains of the Escalante to Boulder road. The site consists of 12 features, including two discontinuous and abandoned road segments, three wet and/or dry laid rock retaining walls, two galvanized steel culverts, and six hand dug drainage features. Historic records indicate that the Escalante to Boulder road was constructed by the Civilian Conservation Corps (CCC) between 1934 and 1940. The road provided the first year round, automobile accessible route between Escalante and Boulder. The site is determined to be eligible for the NRHP under Criterion A and C.

Between MP 77.5 and 77.7, the preferred alternative would be to construct barrier stabilization as the existing concrete barrier is deficient and the pavement has sloughed off under the unsupported barrier. The roadway in this location is narrow with Feature F occurring on the west side of the road and Features G through K on the east side of the road. Feature F is a wet-laid, N-S trending cobble rock retaining wall, located immediately below and west of an existing concrete slab barrier along SR-12 (Exhibit A).

Features G through K are hand cut drainage ditches located on a moderately steep west facing sandstone bedrock and cobble/boulder covered slope along the eastern margin of SR-12 (Exhibit B). The ditches served to capture and direct water off the slope, over a vertical road cut present along the eastern margin of SR-12, and west through culverts running E-W under SR-12. The sections of ditch range from 45' in length to 160'. To support a new barrier along the west side of the road, it would be necessary to widen the roadway to the east. This would be accomplished by removing rock through blasting and ripping with heavy equipment. Consequently, sections of Features G through K would be removed in the process with impacts to each feature ranging from 5 to 20 feet.

A total of 55 to 60 feet of ditch would be removed under the preferred alternative (see Table 2). Since the impact to the site as a whole would be minimal and will not alter the characteristics which qualify the property for inclusion in the NRHP as defined in 36 CFR 800.5(a)(1), the UDOT has made a determination of **No Adverse Effect** for site 42Ga6091.

Table 2. Affected Cultural Resources

Site	Feature	Approx. Total Length (ft.)	Approx. Affected Area (ft.)	NRHP Eligibility
42Ga6091	H	160	20	Criterion A & C
	I	120	15	Criterion A & C
	J	160	15	Criterion A & C
	K	170	5-10	Criterion A & C
42Ga5647	-	-	57,754 sq/ft	Criterion D

Site 42Ga5647 is a large, dispersed lithic scatter located on either side of SR-12 on the southern end of New Home Bench. The site is recommended as eligible to the NRHP under Criterion D because it is likely to yield information important to the prehistory of the area.

Under the preferred alternative, a slow vehicle turnout would be constructed at this location. Site distance at this location does not safely allow for passing by crossing the centerline, therefore a turnout would allow a safe alternative for cars to pass. The turnout would consist of an additional 12' lane with a 4' shoulder, 600' in length. The site runs roughly southeast to northwest in

length, with SR-12 currently running along the northeast edge of the site. The turnout would be constructed on the eastbound side of the highway and has the potential to affect an additional 1.3 acres of the site. A significant portion of the site will be impacted by construction activities, likely affecting the integrity of the site. Therefore, the UDOT has determined the preferred alternative would have an **Adverse Effect** on site 42Ga5647.

UDOT and the consulting parties will continue to work towards resolution of adverse effects. If the adverse effects cannot be avoided, additional measures will be explored during design to minimize the impacts. A Memorandum of Agreement (MOA) will be executed that stipulates how the adverse effects will be resolved. Proposed mitigation measures will likely include data recovery of site 42Ga5647.

Paleontology

At the request of MOAC, Martha Hayden of the Utah Geological Survey conducted a paleontological file search on January 16, 2007. The consultation indicated that several significant invertebrate track sites from the Jurassic Kayenta and Navajo Formations have been recorded in the project area, some of which occur in road cuts immediately adjacent to SR-12. In addition, there is a high potential for the discovery of additional track sites in Kayenta, Navajo, and Entrada Formations, as well as some potential for the discovery of vertebrate body fossils in the Kayenta Formation. Alden Hamblin conducted a paleontological survey on June 12, 2007; resulting in the location of no new paleontological localities. It was recommended by both Ms. Hayden and Mr. Hamblin that a paleontologist be available to monitor construction activities.

Summary

A preliminary Class I existing data review of the SR-12 corridor between Escalante and Boulder, Utah identified 30 previous surveys and 132 previously recorded archaeological sites. The APE was later revised to include the 14 proposed project areas when individual projects were identified. MOAC conducted a Class III cultural resource investigation which resulted in the identification of 1 previously recorded site and the documentation of 15 new sites. Of those 16 sites, 11 have been determined to be eligible for the NRHP.

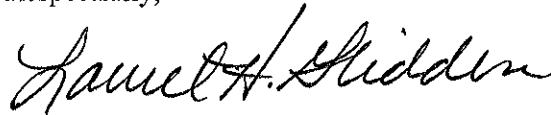
Under the preferred alternative, site 42Ga6091, the Escalante to Boulder road, would be affected by widening the road near the location of Features G through K. Features G through K are hand cut drainage ditches constructed by the CCC as a part of the original Escalante to Boulder road. However, since relatively small portions of the ditches will be removed, the actions would not affect the integrity or criteria which make the site eligible for the NRHP, thus the UDOT has made a determination of No Adverse Effect for site 42Ga6091.

Site 42Ga5647 is considered eligible for the NRHP under Criteria D. If the preferred alternative were selected, it would affect the northeast corner of the site, resulting in an Adverse Effect to the site. If it is determined that an adverse effect to the site is unavoidable, preconstruction mitigation of the adverse effects would likely include data recovery of the portion of the site that will be impacted. A MOA will be executed that stipulates how the adverse effects will be resolved.

Based on the determination of eligibility and under consideration of the potential impacts to historic properties, the UDOT has determined that the proposed project will have an **Adverse Effect** on historic properties.

Thank you for your efforts regarding this project, and if you have any questions, please feel free to contact me at (435) 865-5562 or lglidden@utah.gov.

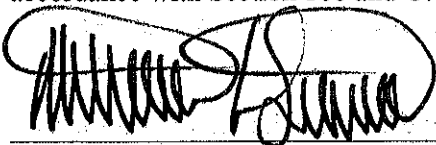
Respectfully,



Laurel H. Glidden, NEPA/NHPA Specialist
UDOT Region 4 Environmental

cc: Monte Aldridge/UDOT
Andrea Clayton/H.W. Lochner
Brenda Redwing/FHWA
Elizabeth Skinner/UDOT
Randall Taylor/UDOT

I concur with the finding of adverse affect for the preferred alternative for UDOT Project no. Project #STP-0012(8)60E, SR-12; Escalante to Boulder, and that the FHWA and UDOT have taken into account effects of the undertaking upon historic and archaeological resources in accordance with Section 106 and U.C.A. 9-8-404.



Dr. Matthew Seddon, Deputy SHPO

11/8/07
Date



State of Utah

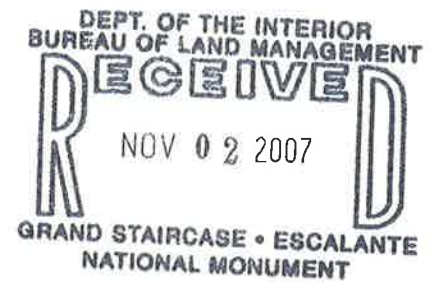
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DEPARTMENT OF TRANSPORTATION

JOHN R. NJORD, P.E.
Executive Director

CARLOS M. BRACERAS, P.E.
Deputy Director



October 30, 2007

Mr. Paul Chapman
Project Manager
Grand Staircase-Escalante National Monument
190 E Center Street
Kanab, UT 84741

Subject: UDOT Project No. STP-0012(8)60E, SR-12 Escalante to Boulder
Section 4(f) *De Minimis* Impacts Finding Concurrence Request

Dear Mr. Chapman:

The purpose of this letter is to request your concurrence with the Utah Department of Transportation's (UDOT's) recommendation that, pursuant to Section 6009 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and the associated FHWA guidance dated December 13, 2005, a Section 4(f) *de minimis* impact finding is appropriate for the Grand Staircase-Escalante National Monument (GSENM) affected by the subject project.

Correspondence regarding this matter was originally sent on April 16, 2007, with BLM concurrence on April 27, 2007. FHWA made a *de minimis* impact determination for the GSENM on July 24, 2007. Copies of this correspondence are enclosed. The original correspondence was in error stating that Hole-in-the-Rock Road is outside the Monument. It further stated impacts from the proposed intersection at this location are not considered a Section 4(f) use. Because GSENM is a Section 4(f) property and Hole-in-the-Rock road is actually inside the Monument, impacts must be considered a Section 4(f) use. The intent of this letter is to rectify that error and request concurrence that a Section 4(f) *de minimis* impact finding is still appropriate for the GSENM. This letter supersedes the original correspondence.

This project is being funded, in part, with federal funds administered by the Federal Highway Administration (FHWA). The project involves the following improvements which form the proposed action:

1. Right-of-way federal land transfer (MP 68.9 to 83.1),
2. Calf Creek Bridge replacement (MP 74.5),
3. Roadway and/or roadside stabilization at three locations (MP 74.8, 75.4, and 77.5 to 77.7),

4. Slow vehicle turnout construction at seven locations (eastbound at MP 71.7, 76.2, 79.5, and westbound at MP 69.0, 69.9, 72.5, and 83.0),
5. Intersection improvements at Hole-in-the-Rock Road (MP 64.4) and Calf Creek Recreation Area (MP 75.0), and
6. Curve widening at MP 71.0.
7. Improved signing (for bicycles, animal presence, and roadside hazards)

Section 4(f) applies to any significant publicly owned public park, recreation area, or wildlife and waterfowl refuge and any land from an historic site of national, state or local significance. The Section 4(f) resource affected by this project is the Grand Staircase-Escalante National Monument (GSENM). The Bureau of Land Management (BLM) manages approximately 1,870,800 acres of public lands within the GSENM to protect Monument resources (archaeological, historic, biological, paleontological, and geologic), facilitate scientific research activities, and accommodate recreation.

Preliminary engineering has progressed since the original correspondence was sent; updated impacts are provided in the table below. The impacts to the Monument from the proposed action consist of the following:

No.	Proposed Improvement	Location	MP	Acres perm. impact	Acres temp. impact
1	Title 23 right-of-way federal land transfer, generally for a 100-foot half width from centerline of existing SR-12 (200-foot total width), with selected areas where additional width is requested for existing roadway prism.	Corridor from Head of the Rocks to the Forest Service Boundary	68.9 to 83.1	346	N/A
		Previously disturbed area near radio tower	69	14.9	N/A
	Title 23 right-of-way federal land transfer for stockpile sites	Previously disturbed asphalt mixing pad on New Home Bench	79.8	0.7	N/A
		Previously disturbed stockpile area on New Home Bench	82.1	5.5	N/A
		Previously disturbed area on New Home Bench	82.9	4.6	N/A
2	Construction of a new box culvert and wingwalls at the Calf Creek crossing, realignment of 300 feet of	Calf Creek crossing	74.5	0.26	0.34

	Calf Creek, and placement of riprap in the Creek for scour protection.				
3	Rock removal or retaining wall construction to stabilize the existing roadway and/or roadside. Rock removal will allow the roadway to be shifted to the east away from Calf Creek Canyon, providing the width necessary to properly support the pavement section and barrier.	Rock removal at location where W-beam guardrail is currently supporting embankment	74.8	0.27	0.31
		Sharp curve immediately north of Calf Creek Recreation Area where barrier is not properly supported	75.4		
		Option 1: rock removal		0.14	0.18
		Option 2: wall		0.04	0.31
		Rock removal at location where jersey barrier is not properly supported	77.5-77.7	0.60	0.67
4	Construction of 12-foot slow vehicle turnouts with 4-foot shoulders. Turnout length will vary by location and is a function of posted speed limit and grade.	Westbound (north of Head of the Rocks overlook)	69.0	1.97	1.0
		Westbound (west of Spencer Flats Road)	69.9	0.51	0.28
		Eastbound (south end of the Camelbacks)	71.7	0.49	0.28
		Westbound (south of Boynton Overlook)	72.5	0.55	0.28
		Eastbound	76.2	0.26	0.16
		Eastbound (south end of New Home Bench)	79.5	0.48	0.28
		Westbound (south of Hell's Backbone Road)	83.0	0.47	0.28
5	Construction of a 12-foot median left turn pocket and 12-foot right hand turn pocket with 4-foot shoulders.	Hole-in-the-Rock Road	64.4	5.22	2.46
		Calf Creek Recreation Area intersection	75.0	2.40	0.86
6	Rock removal for curve widening	the "Tank"	71.0	0.31	0.49
7	Improve signing	Locations to be determined during development of signing plan		negligible	

Avoidance, minimization, and mitigation measures have been considered in development of the proposed action. Avoidance is not applicable; SR-12 is an existing highway within the GSENM. The proposed improvements, with the exception of slow vehicle turnouts, are at spot locations where deficiencies have been identified. The proposed slow vehicle turnouts have been located to avoid resources (trailheads and Wilderness Study Areas) and minimize impacts (extensive earthwork).

Minimization has also been incorporated where practicable. The requested 200-foot wide right-of-way corridor is the minimum UDOT needs to maintain this facility. The proposed typical section for spot improvements includes 4-foot shoulders, the minimum desirable width for safety and maintenance. The 4-foot shoulders will require a design exception to be approved by UDOT and FHWA. Slow vehicle turnouts are proposed instead of full length passing lanes in order to minimize the length.

The proposed action would result in improved safety and an enhanced visual experience for Monument users. Proposed mitigation measures include aesthetic barrier treatments in areas where existing concrete Jersey barrier will be replaced.

The transportation use of the Monument, as summarized above, does not adversely affect any of the activities, features, and attributes that qualify this Monument for protection under Section 4(f). Maintaining SR-12 as the primary transportation corridor through the Monument protects other resources by reducing the need for alternative transportation routes. The proposed improvements are located primarily on open land; no public facilities, gathering spaces, trailheads, or Wilderness Study Areas (WSAs) would be negatively impacted. Safety and access would be improved at the following locations:


- Hole-in-the-Rock Road intersection and Wayside
- Head of the Rocks Wayside
- Calf Creek Recreation Area.

The public has been afforded an opportunity to review and comment on this project, including its effects on the Monument property. Public input regarding the project has been solicited through public meetings, a project website, presentations to the Boulder Town Council and Escalante City Council, media outreach, and a Context Sensitive Committee. In addition, the *de minimis* summary will be available for review and comment during the public hearing and comment period to be held for the Environmental Assessment.


FHWA intends, with your written concurrence, to make a Section 4(f) *de minimis* impact finding. We would appreciate your review of the proposed action and potential impacts summarized in this letter. We would then appreciate your concurrence with our determination that the subject project does not adversely affect activities, features, and attributes that qualify this Monument for protection under Section 4(f) and our recommendation that a Section 4(f) *de minimis* impact finding is appropriate.

Should you have questions concerning this matter, please contact Randall Taylor at (435) 893-4714 or (randalltaylor@utah.gov).

Sincerely,



Randall Taylor
UDOT Region 4 Environmental Engineer

Concurrence:  Acting Date 6 Nov 07
Brad Exton, Monument Manager
Grand Staircase-Escalante National Monument
Bureau of Land Management

Enclosure

cc: File

Monte Aldridge, UDOT Region 4 Project Manager
Laurel Glidden, UDOT Region 4 NEPA/NHPA Specialist
Nancy Jerome, UDOT Region 4 ROW Engineer
Elizabeth (Betsy) Skinner, UDOT Environmental Manager; Calvin Rampton
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Andrea Clayton, H.W. Lochner, Inc.; 310 East 4500 South, Suite 600; Murray, UT
84107



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DEPARTMENT OF TRANSPORTATION

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Executive Director

CARLOS M. BRACERAS, P.E.
Deputy Director

November 20, 2007

Mr. Walter Waidelich
Division Administrator
FHWA Utah Division
2520 West 4700 South, Suite 9A
Salt Lake City, UT 84118-1880

Subject: UDOT Project No. STP-0012(8)60E, SR-12 Escalante to Boulder
Section 4(f) *De Minimis* Impacts Finding Concurrence Request

Dear Mr. Waidelich:

The purpose of this letter is to request your concurrence with the Utah Department of Transportation's (UDOT's) recommendation that, pursuant to Section 6009 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and the associated FHWA guidance dated December 13, 2005, a Section 4(f) *de minimis* impact finding is appropriate for the Grand Staircase-Escalante National Monument affected by the subject project.

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5. Intersection improvements at Hole-in-the-Rock Road (MP 64.4) and Calf Creek Recreation Area (MP 75.0), and
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7. Improved signing (for bicycles, animal presence, and roadside hazards)

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	scour protection.				
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		Sharp curve immediately north of Calf Creek Recreation Area where barrier is not properly supported	75.4		
		Option 1: rock removal		0.14	0.18
		Option 2: wall		0.04	0.31
		Rock removal at location where jersey barrier is not properly supported	77.5-77.7	0.60	0.67
4	Construction of 12-foot slow vehicle turnouts with 4-foot shoulders. Turnout length will vary by location and is a function of posted speed limit and grade.	Westbound (north of Head of the Rocks overlook)	69.0	1.97	1.0
		Westbound (west of Spencer Flats Road)	69.9	0.51	0.28
		Eastbound (south end of the Camelbacks)	71.7	0.49	0.28
		Westbound (south of Boynton Overlook)	72.5	0.55	0.28
		Eastbound	76.2	0.26	0.16
		Eastbound (south end of New Home Bench)	79.5	0.48	0.28
		Westbound (south of Hell's Backbone Road)	83.0	0.47	0.28
5	Construction of a 12-foot median left turn pocket and 12-foot right hand turn pocket with 4-foot shoulders.	Hole-in-the-Rock Road	64.4	5.22	2.46
		Calf Creek Recreation Area intersection	75.0	2.40	0.86
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7	Improve signing	Locations to be determined during development of signing plan		negligible	

Avoidance, minimization, and mitigation measures have been considered in development of the proposed action. Avoidance is not applicable; SR-12 is an existing highway within the GSENM. The proposed improvements, with the exception of slow vehicle turnouts, are at spot locations where deficiencies have been identified. The proposed slow vehicle turnouts have been located to avoid resources (trailheads and Wilderness Study Areas) and minimize impacts (extensive earthwork).

Minimization has also been incorporated where practicable. The requested 200-foot wide right-of-way corridor is the minimum UDOT needs to maintain this facility. The proposed typical section for spot improvements includes 4-foot shoulders, the minimum desirable width for safety and maintenance. The 4-foot shoulders will require a design exception to be approved by UDOT and FHWA. Slow vehicle turnouts are proposed instead of full length passing lanes in order to minimize the length.

The proposed action would result in improved safety and an enhanced visual experience for Monument users. Proposed mitigation measures include aesthetic barrier treatments in areas where existing concrete Jersey barrier will be replaced.

The transportation use of the Monument, as summarized above, does not adversely affect any of the activities, features, and attributes that qualify this Monument for protection under Section 4(f). The proposed improvements are located primarily on open land; no public facilities, gathering spaces, trailheads, or Wilderness Study Areas (WSAs) would be negatively impacted. Safety and access would be improved at the following locations:

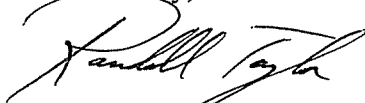
- Hole-in-the-Rock Road intersection and Wayside
- Head of the Rocks Wayside
- Calf Creek Recreation Area.

Larry Crutchfield, acting Monument Manager, who has jurisdiction over the Monument, has been consulted and informed of FHWA's intent to make a Section 4(f) *de minimis* impact finding based on Mr. Crutchfield's written concurrence that the project will not adversely affect the activities, features, and attributes that qualify this Monument for protection under Section 4(f) (see attached October 30, 2007 BLM letter signed on November 6, 2007 for concurrence). This letter also indicates that the public has been afforded an opportunity to review and comment on this project, including its effects on the Monument property. Public input regarding the project has been solicited through public meetings, a project website, presentations to the Boulder Town Council and Escalante City Council, media outreach, and a Context Sensitive Committee. In addition, the *de minimis* summary will be available for review and comment during the public comment period to be held for the Environmental Assessment.

Based on the foregoing analysis, it is UDOT's recommendation that a Section 4(f) *de minimis* impact finding be approved by FHWA for the Grand Staircase-Escalante National Monument affected by this project.

Should you have questions concerning this matter, please contact Randall Taylor at (435) 893-4714 or (randalltaylor@utah.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Randall Taylor", written over a horizontal line.

Randall Taylor

UDOT Region 4 Environmental Engineer

Concurrence:  Date 11/29/07
Walter Waidelich, Division Administrator
Federal Highway Administration

Attachments (2)

cc: File

Carlos Machado, FHWA Program Manager
Monte Aldridge, UDOT Region 4 Project Manager
Laurel Glidden, UDOT Region 4 NEPA/NHPA Specialist
Nancy Jerome, UDOT Region 4 ROW Engineer
Elizabeth (Betsy) Skinner, UDOT Environmental Manager; Calvin Rampton
Complex
Paul Chapman, BLM Grand Staircase-Escalante National Monument, Project
Manager; 190 E Center Street, Kanab, UT 84741
Andrea Clayton, H.W. Lochner, Inc.; 310 East 4500 South, Suite 600; Murray, UT
84107

Clayton, Andrea

From: Clayton, Andrea
Sent: Monday, March 17, 2008 4:58 PM
To: Carlos Machado
Cc: Betsy Skinner; Randall Taylor; Brenda Redwing; Jones, Laynee
Subject: SR-12 Escalante to Boulder EA: Section 4(f) de minimis finding
Attachments: FHWA_DeMinimis_Finding.pdf

Carlos,

This email is to document a change to the proposed action for the SR-12 Escalante to Boulder Environmental Assessment in relation to the Section 4(f) *de minimis* impact finding. UDOT recommended that a Section 4(f) *de minimis* finding be approved by FHWA for the Grand Staircase-Escalante National Monument in a letter from Randall Taylor to Walter Waidelich dated November 20, 2007 (attached). FHWA concurred with the *de minimis* finding on November 29, 2007.

Subsequent to FHWA concurrence, the following items have been removed from the proposed action:

1. Title 23 right-of-way federal land transfer for three stockpile sites at MP 69.0, MP 79.8, and MP 82.9
2. Construction of westbound slow vehicle turnout at MP 69.0

It is our understanding that the *de minimis* finding still applies for this project because the impact to the Grand Staircase-Escalante National Monument will be less than what is documented in the attached concurrence letter. Therefore, we will not be sending out a revised *de minimis* concurrence letter. Please do not hesitate to contact me if you have any questions or comments.

Thank you,

Andrea Clayton, P.E.

LOCHNER

310 East 4500 South, Suite 600

Salt Lake City, UT 84107

p: (801) 262-8700

f: (801) 262-8885

AClayton@HWLochner.com

www.HWLochner.com



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

December 10, 2007

Regulatory Branch (SPK-2007-00590-SG)

H.W. Lochner
310 E. 400 S. Suite 600
Murray, UT 84107

Gentlemen:

We are responding to your consultant's request for an approved jurisdictional determination for the SR-12 Roadway Improvement project site near Escalante, Utah. This project begins in Section 16, Township 35 South, Range 3 East in Garfield County.

Based on available information and a site inspection by this office conducted on May 17, 2007, we concur with the estimate of waters of the United States, as depicted on the **U.S. Army Corps of Engineers Wetland Delineation Report on proposed SR-12 Roadway Improvement Project Located between Escalante and Boulder, Garfield County, Utah** report prepared by Alpine Environmental Resources, LLC. Approximately 1.89 acres of jurisdictional waters of the United States are within the survey area, including 1.16 acres of wet meadow, 0.14 acre of vernal pool, 0.09 acre of perennial stream, and 0.50 acre of dry washes. These areas are regulated under Section 404 of the Clean Water Act.

This verification is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date.

Please refer to identification number SPK-2007-00590-SG in any correspondence concerning this project. If you have any questions, please contact Kiel Downing at our Regulatory Office, 321 North Mall Drive, Suite L-101, St. George, Utah 84790-7310, email kiel.g.downing@usace.army.mil, or telephone 435-986-1961. You may also use our website: www.spk.usace.army.mil/regulatory.html.

Sincerely,

Steven Roberts
Chief, St. George Regulatory Office

Enclosure(s)

Copy furnished without enclosure(s):

UDOT Region Four, 1345 South 350 West, Richfield, UT 84701
Alpine Environmental Resources, LLC, 2476 East Meadow Mist Way, St. George, UT 84790

Dickerson, Trisina

From: Paul_Chapman@blm.gov
Sent: Tuesday, January 08, 2008 12:08 PM
To: Clayton, Andrea
Subject: Fw: SR-12 Escalante to Boulder: record on file for interpretation of WSA boundary MP 72 to MP 73

Attachments: 2007-11-26 SR 12 question.pdf; BLM_WSA_Boundary_Maps_with_Improvements.pdf



2007-11-26 SR 12 BLM_WSA_Boundar
question.pdf ... y_Maps_with_Imp...

Andrea:

I think this memo from Edd Franz clarifies the situation regarding the WSA boundary discrepancy (powerline vs. highway) in the area south of the Boynton Overlook. To summarize I think the Monument will support the position that the powerline was intended to be the WSA boundary here rather than the highway for the reasons Edd explains below. The area is depicted on the map Edd attached to his e-mail.

Hope this helps.

----- Forwarded by Paul Chapman/CCDO/UT/BLM/DOI on 01/08/2008 11:49 AM

Edd
Franz/MOFO/CO/BLM
/DOI

12/10/2007 09:30
AM

To
Paul_Chapman/CCDO/UT/BLM/DOI@BLM
cc
Raymond_Lee/CCDO/UT/BLM/DOI@BLM
Subject
Re: Fw: SR-12 Escalante to Boulder:
record on file for interpretation
of WSA boundary MP 72 to MP 73
(Document link: Paul Chapman)

Paul,

Dave Mermejo contacted me about this around Nov 25 or 26, 2007, so there would not be a record over there. I was involved with this at GSENM, and I went on the tour with Lochner, so I still feel comfortable addressing the question.

The best I can figure, by looking at the maps and the relationship of the WSA boundary and the location of the smaller (distribution?) powerline is that between Head of the Rocks and Boynton Overlook (locally known as the "camelback") the boundary was intended to follow the powerline, rather than the mapped boundary. I believe that this is a mapping error. When I look at the southern part of the "sliver in question" I can see that the angle that the mapped boundary takes as it departs from the highway is parallel with the powerline, but offset somewhat. Other than

the powerline, there is no other feature in that area to use as a boundary. This further leads me to think that the powerline was the intended boundary.

It does get a bit fuzzy as you continue along that same mapped boundary toward the south and west. At some point, it departs from the powerline and begins to contour the rim of the Escalante Gorge. So, I'm unsure how to interpret that. That part, however, does not come into play with the SR-12 project.

Regarding the other sliver referenced in the attached maps -- the sliver next to the highway just south of Calf Creek Campground -- I don't see any evidence that the boundary was intended to follow the powerline there. It may very well have been an oversight, but there's nothing that leads me to think it was a mapping error.

Here's a crude map that I sent to Dave Mermejo last month: (See attached file: 2007-11-26 SR 12 question.pdf)

Feel free to follow up with me if you need to. Hope all's well with you, and blow a kiss to that beautiful monument for me.

Edd Franz
Outdoor Recreation Planner
Gunnison Gorge National Conservation Area Uncompahgre Field Office Montrose, Colorado
(970) 240-5337

There is a time for all things. Think a moment how many multitudes of animal tribes we ourselves have destroyed; look upon the snow that appears today-- tomorrow it is water. Listen to the dirge of the dry leaves that were green and vigorous but a few moons before! We are part of that life and it seems our time has come.

-- Spotted Tail, Lakota

Paul
Chapman/CCDO/UT/B
LM/DOI

12/10/2007 08:37
AM

Edd Franz/MOFO/CO/BLM/DOI@BLM

To

cc

Subject

Fw: SR-12 Escalante to Boulder:
record on file for interpretation
of WSA boundary MP 72 to MP 73

This e-mail indicates you know of a record regarding the power line mentioned. Do you know where this record would be. Sue and I looked in the file here and Bodie looked in Escalante and we can't come up with it.
Any suggestions?

----- Forwarded by Paul Chapman/CCDO/UT/BLM/DOI on 12/10/2007 08:34 AM

"Clayton, Andrea"
<aclayton@hwlochn
er.com>

To

"Paul Chapman"

12/06/2007 01:04
PM

<Paul_Chapman@BLM.gov>

cc

"Dave Mermejo"
<dave_mermejo@blm.gov>, "Robirds,
Tyler" <trobirds@hwlochner.com>,
"Jones, Laynee"
<ljjones@hwlochner.com>

Subject

SR-12 Escalante to Boulder: record
on file for interpretation of WSA
boundary MP 72 to MP 73

Paul,

I just spoke with Dave Mermejo regarding the interpretation of the WSA boundary on the west side of SR-12 between MP 72 and MP 73 (south of Boynton Overlook). This is the area shown on p. 3 of the attached maps.

Dave spoke with Edd Franz. Both agree the intent was to place the WSA boundary on the west side of the western power line. The boundary should have been drawn that way on the WSA maps (not adjacent to SR-12). This western power line should define the WSA boundary (not SR-12 edge of disturbance) until north of the Escalante River crossing. Dave said there should be a record on file at the Monument from Edd regarding this.

Can you verify there is a record on file at the Monument? We will state in the EA that we have coordinated this boundary with BLM/Monument and the WSA boundary should be on the west side of the western power line (so the slow vehicle turnout at MP 72.5 is not inside a WSA).

Also, Dave said he was going to get in touch with the woman (retired BLM) who worked on the WSA boundaries regarding the small power line that terminates at the Calf Creek Recreation Area. Dave will attempt to determine if the intent was to include this power line within the WSA or if the WSA boundary should be on the west side of this power line where it is west of SR-12 (approximately MP 74.5 to MP 75). This area is shown on p. 4 of the attached maps. Is there anything on file with the Monument at this location?

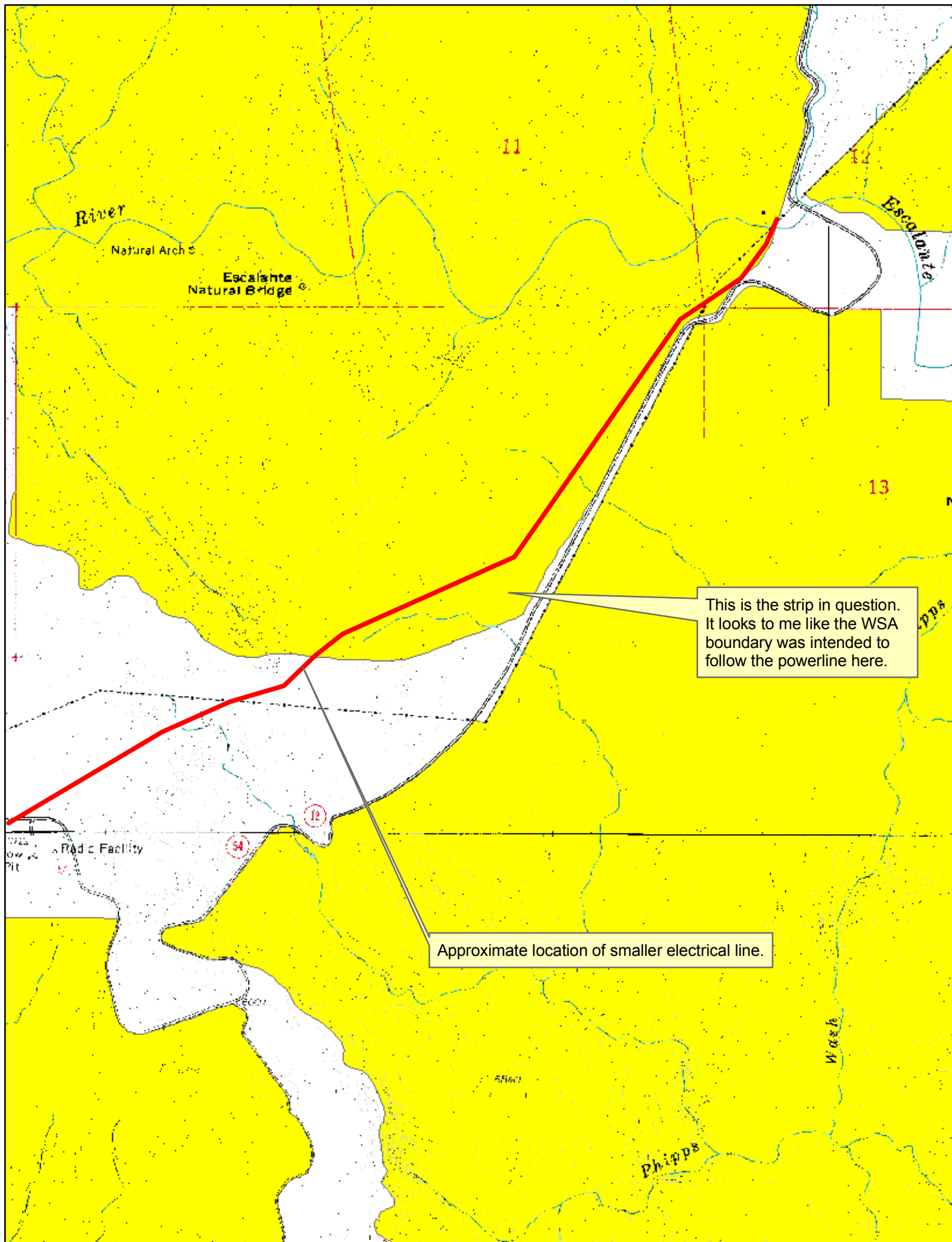
Thanks for your help,

Andrea

Andrea Clayton, P.E.
LOCHNER
310 East 4500 South, Suite 600
Salt Lake City, UT 84107
p: (801) 262-8700
f: (801) 262-8885
AClayton@HWLochner.com

www.HWLochner.com

(See attached file: BLM_WSA_Boundary_Maps_with_Improvements.pdf)



River

Natural Arch

Escalante Natural Bridge

11

12

Escalante

13

This is the strip in question. It looks to me like the WSA boundary was intended to follow the powerline here.

Approximate location of smaller electrical line.

Red Facility

54

12

Phipps



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155
<http://www.blm.gov>



IN REPLY REFER TO:
8500
(UT-934)

AUG 22 2005

Ms. Kim Clark
H.W. LOCHNER, INC.
310 East 4500 South, Suite 600
Salt Lake City, Utah 84107

RE: BLM / UDOT State Road 12 Meeting, Grand Staircase Escalante N.M.

Dear Ms. Clark:

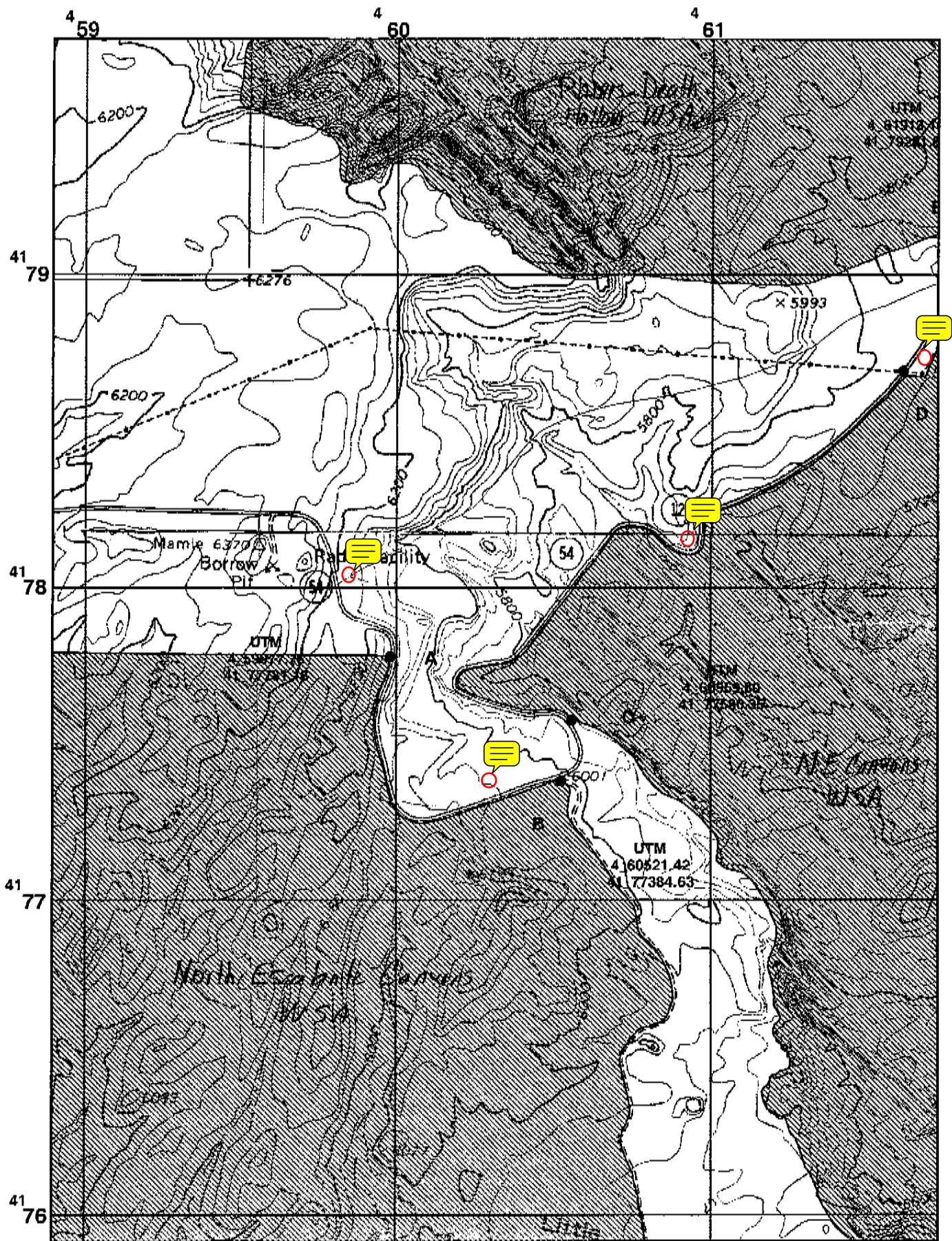
Enclosed are copies of Wilderness Study Area (WSA) boundary maps that were part of the data brought to the BLM / UDOT State Road 12 road widening proposal meeting held at the GSENM offices in Escalante, Utah on July 26, 2005, by Dave Mermejo of my staff. These maps are provided to you, as requested at the meeting. The points identified on the maps as A. B. C. etc. are screen digitized locations of points where the WSA boundary is immediately adjacent to state road 12. The UTM numbers listed for each point is approximate.

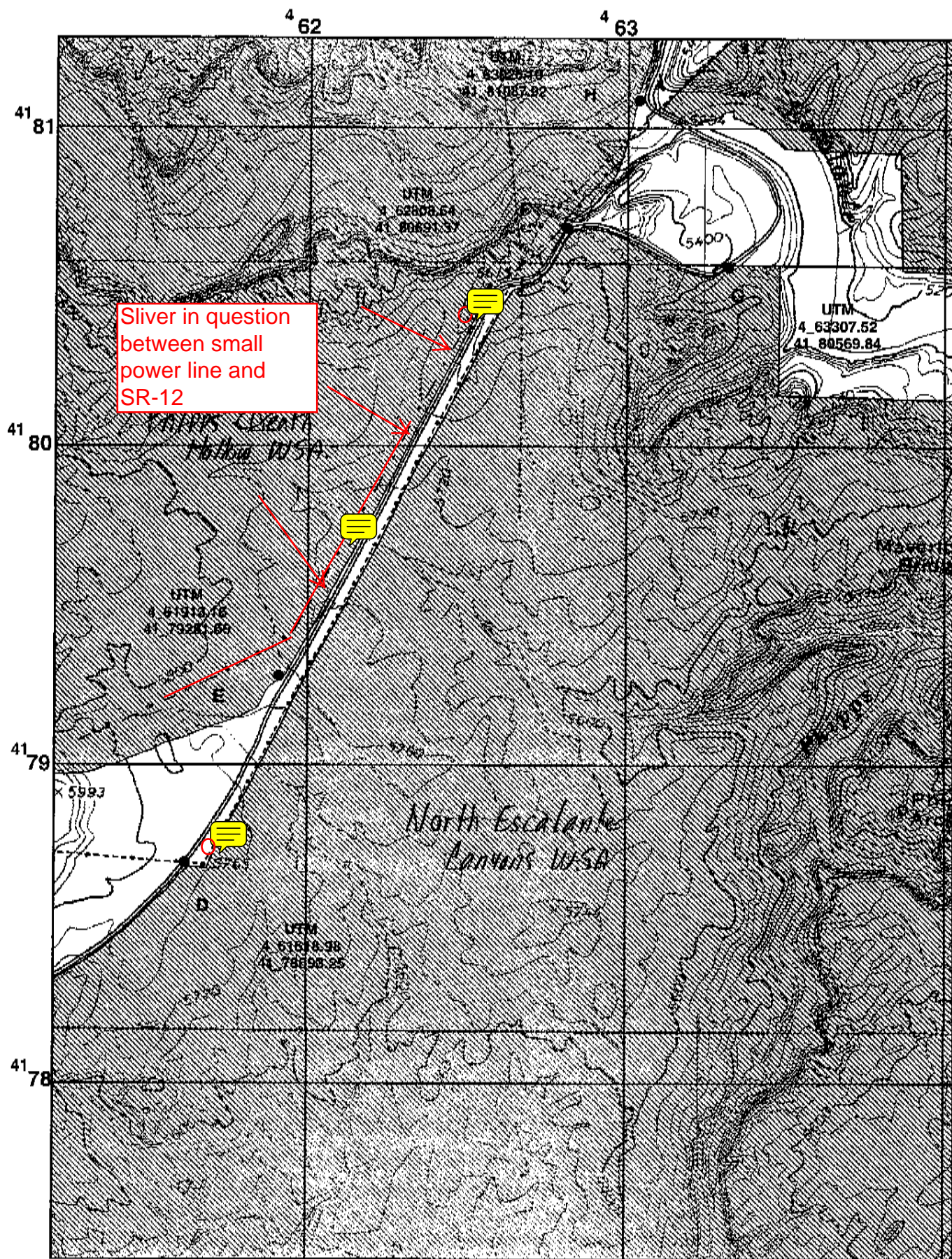
If you have any further questions please contact Dave Mermejo at (801) 539-4054.

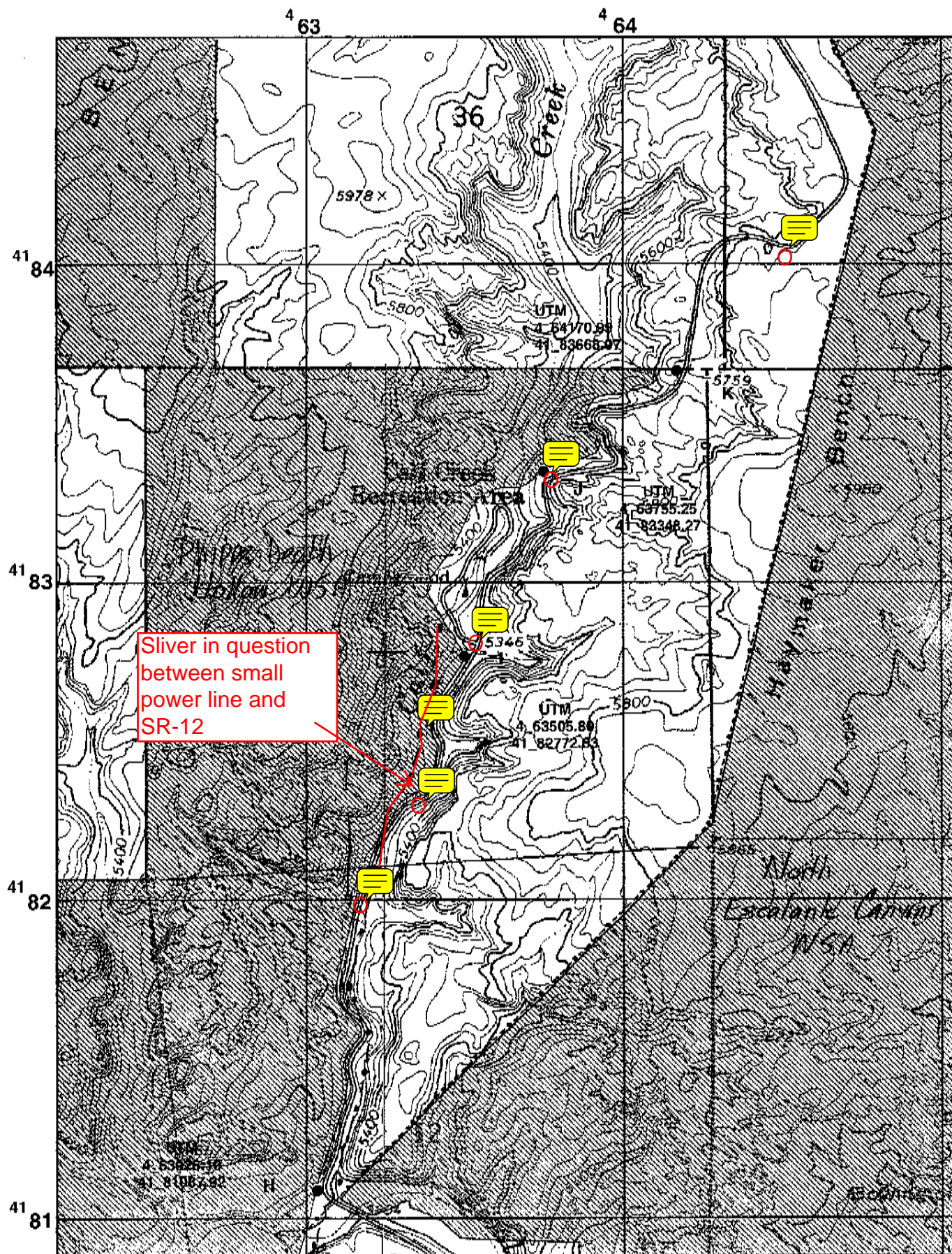
Sincerely,

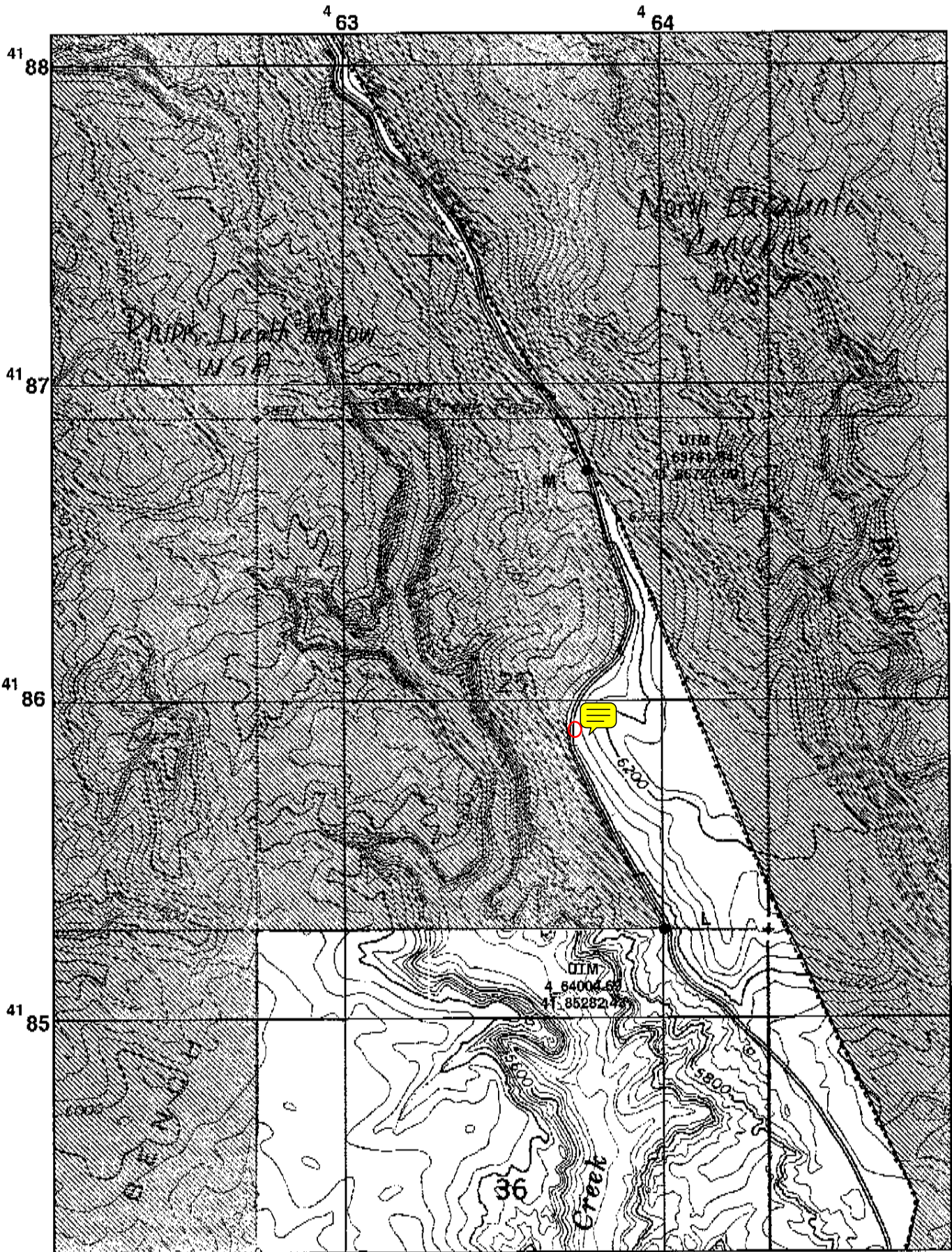
Shelley J. Smith
Branch Chief, Recreation, Wilderness,
Cultural and Fossil Resources

Enclosures
As Stated Above





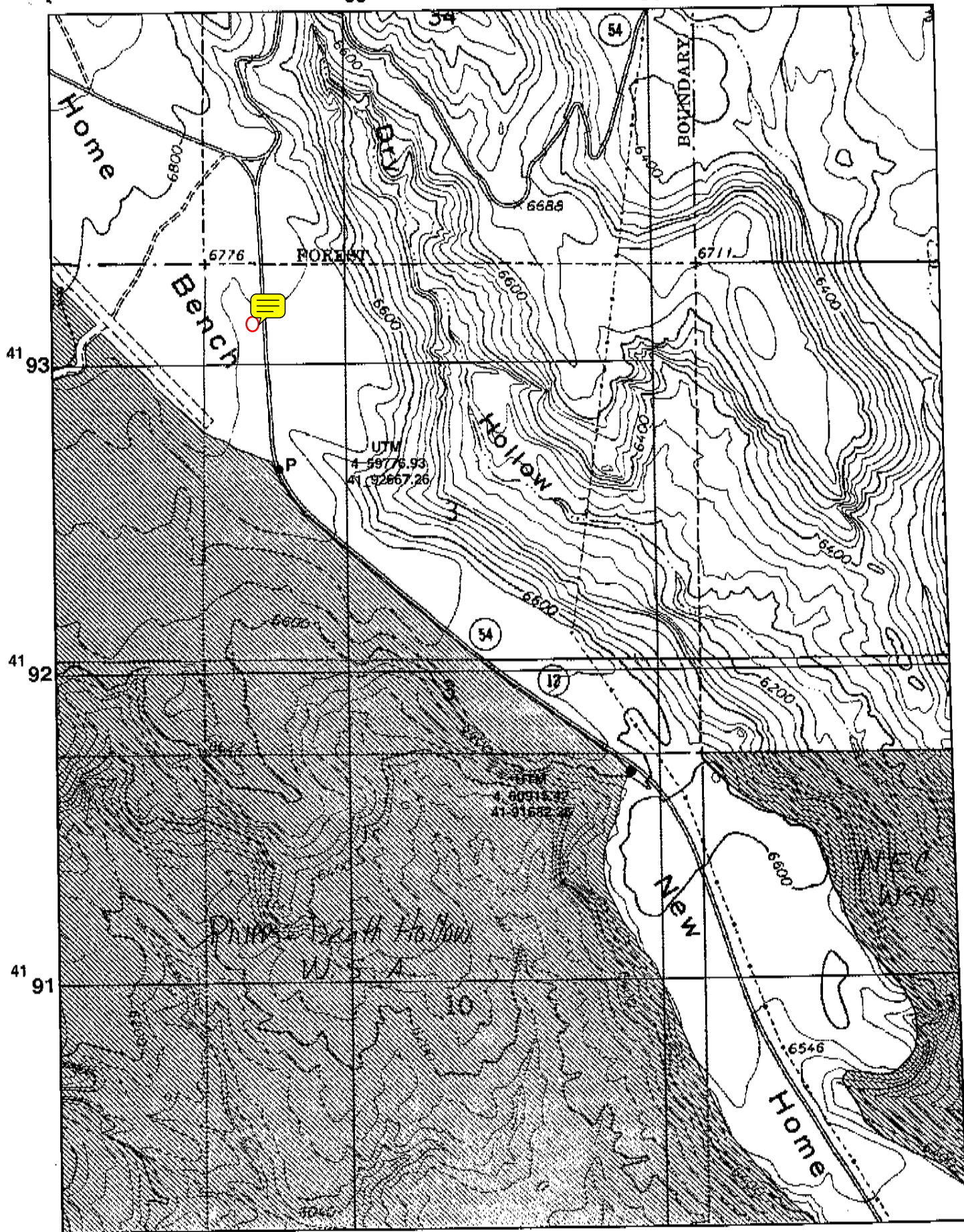




This is a detailed topographic map of the North Escalante Canyons region in Utah. The map features a grid system with section numbers 12, 14, and 24 visible. Key geographical features include the Home Bench area in the upper left, a road labeled '6546', and a peak marked 'X 6208'. The terrain is characterized by dense contour lines indicating steep slopes. A yellow location marker, consisting of a red circle with a yellow rectangle, is placed on a ridge line. Handwritten annotations include 'North Escalante Canyons' and 'Utah' in the center-right, and 'Dinner Creek Hollow' and 'Utah' in the lower-left. The map also shows a 'TOWN' boundary and a 'CORPO' (corporate) area in the upper right.

4 60

4 61



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Grand Staircase-Escalante National Monument

Escalante Field Station

P O Box 225

Escalante, UT 84726

<http://www.ut.blm.gov/monument>



RECEIVED

MAR 03 2008

GRAND STAIRCASE ESCALANTE
NATIONAL MONUMENT

In Reply Refer To:
6840 (UT-030)

January 25, 2008

Larry Crist, Field Supervisor
U.S. Fish and Wildlife Service
Utah Field Office
2369 West Orton Circle
West Valley City, UT 84119



Dear Mr. Crist:

Enclosed is the Biological Assessment for the SR-12, Escalante to Boulder highway improvements project. Based on the biological analysis, the professional determination is the project may affect, but not likely to adversely affect, the Mexican spotted owl or its habitat. The project will have no affect on southwestern willow flycatcher, yellow-billed cuckoo, California condor, Utah prairie dog, brown bear, humpback chub, bonytail, Colorado pikeminnow, razorback sucker, Maguire daisy, Ute ladies' tresses, Jone's cycladenia, and autumn buttercup and/or their habitat.

Please review the enclosed Biological Assessment and notify us at the above address as to whether or not you concur with these findings.

Sincerely,

Raymond C (Rusty) Lee
Assistant Monument Manager
Escalante Field Station

<input type="checkbox"/>	Concur No Effect
<input checked="" type="checkbox"/>	Concur Not Likely to Adversely Affect
<input type="checkbox"/>	No Comment
U.S.F.W.S. - Utah Field Supervisor	
Date <u>2-27-08</u>	

Enclosure

Clayton, Andrea

From: Clayton, Andrea
Sent: Monday, March 17, 2008 4:58 PM
To: Carlos Machado
Cc: Betsy Skinner; Randall Taylor; Brenda Redwing; Jones, Laynee
Subject: SR-12 Escalante to Boulder EA: Section 4(f) de minimis finding
Attachments: FHWA_DeMinimis_Finding.pdf

Carlos,

This email is to document a change to the proposed action for the SR-12 Escalante to Boulder Environmental Assessment in relation to the Section 4(f) *de minimis* impact finding. UDOT recommended that a Section 4(f) *de minimis* finding be approved by FHWA for the Grand Staircase-Escalante National Monument in a letter from Randall Taylor to Walter Waidelich dated November 20, 2007 (attached). FHWA concurred with the *de minimis* finding on November 29, 2007.

Subsequent to FHWA concurrence, the following items have been removed from the proposed action:

1. Title 23 right-of-way federal land transfer for three stockpile sites at MP 69.0, MP 79.8, and MP 82.9
2. Construction of westbound slow vehicle turnout at MP 69.0

It is our understanding that the *de minimis* finding still applies for this project because the impact to the Grand Staircase-Escalante National Monument will be less than what is documented in the attached concurrence letter. Therefore, we will not be sending out a revised *de minimis* concurrence letter. Please do not hesitate to contact me if you have any questions or comments.

Thank you,

Andrea Clayton, P.E.

LOCHNER

310 East 4500 South, Suite 600

Salt Lake City, UT 84107

p: (801) 262-8700

f: (801) 262-8885

AClayton@HWLochner.com

www.HWLochner.com

3/24/2008



Preserving America's Heritage

April 30, 2008

Ms. Betsy Skinner
Environmental Manager
Department of Transportation
Calvin L. Rampton Complex
4501 South 2700 West
Salt Lake City, Utah 84119-5998

Ref: *Proposed SR 12 Transportation Project (Escalante to Boulder)*
Garfield County, Utah

Dear Ms. Skinner:

On April 10, 2008 the Advisory Council on Historic Preservation (ACHP) received your notification regarding the adverse effects of the referenced undertaking. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the Utah State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Programmatic Agreement (PA), developed in consultation with the Utah SHPO, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the PA with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require further assistance, please contact Katry Harris at 202-606-8520 or kharris@achp.gov.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Federal Permitting, Licensing and Assistance Section
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov



**U.S. Department
Of Transportation
Federal Highway
Administration**

Utah Division

2520 West 4700 South, Ste. 9A
Salt Lake City, UT 84118-1847

July 24, 2008

File: STP-0012(8)60E

Ms. Selma Sierra
State Director
Bureau of Land Management
PO Box 45155
Salt Lake City, UT 84145-0155

SUBJECT: SR-12 Escalante to Boulder, Environmental Assessment
Project #: STP-0012(8)60E
Request for response to right-of-way approach with WSAs

Dear Ms. Sierra:

The Federal Highway Administration (FHWA), the Utah Department of Transportation (UDOT) and the Bureau of Land Management (BLM) have been cooperating on the Environmental Assessment (EA) for SR-12 from Escalante to Boulder since the fall of 2004. Under the direction of the U.S. Congress to streamline NEPA, FHWA strives to complete EAs within 18 months. With the process approaching four years on the subject project, we are eager to bring this project to completion.

The EA is complete and ready to publish—with one impediment. FHWA and UDOT are waiting for a response from BLM on how to approach the right-of-way (ROW) transfer in areas where wilderness study areas (WSAs) are adjacent to the road. On June 12, several possible approaches were discussed at a meeting attended by representatives from FHWA, UDOT, and BLM. It was determined at that meeting that the most desirable approach would be for BLM to consent to the entire requested highway appropriation. In order to do so, BLM would be required to interpret that the intent of the WSA boundaries was to set them at the ROW line as shown on 1983 drawings UDOT submitted to BLM. The recently completed ROW drawings prepared by UDOT would be considered a refinement of the 1983 drawings—a more accurate representation of what is on the ground due to advances in technology. This approach would clarify the “edge of disturbance” definition for ROW and WSAs that has created difficulties for all agencies involved.

We request a face-to-face meeting to discuss your response as soon as possible. The following are some possible dates and times that work for us: Aug. 5th, from 1:00 pm to 4:00 pm or Aug 6th from 1:00 pm to 4:00 pm. Our goal is to have the document submitted for public review by Friday, August 8, 2008, with BLM’s approval.

**MOVING THE
AMERICAN
ECONOMY**



You may contact me directly at bryan.cawley@dot.gov or 801-963-0078 #241 to confirm the date, time, and location of the meeting.

Thank you for your attention to this project and we look forward to meeting you in person.

Respectfully,



Digitally signed by Bryan Cawley
DN: cn=Bryan Cawley, o=FWHA,
ou=Utah Division, email=bryan.
cawley@dot.gov, c=US
Date: 2008.07.24 16:35:56 -06'00'

Bryan Cawley, PE
Assistant Division Administrator

cc: Monte Aldridge, UDOT Region 4, Project Manager
Betsy Skinner, UDOT Central Environmental
Mike DeKeyrel, BLM Salt Lake
Rusty Lee, BLM Escalante

**MOVING THE
AMERICAN
ECONOMY**



**MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION, UTAH DIVISION,
THE GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT AND
THE UTAH STATE HISTORIC PRESERVATION OFFICER**

Invited Signatories Include

THE UTAH DEPARTMENT OF TRANSPORTATION

Concurring Parties Include

THE PAIUTE INDIAN TRIBE OF UTAH

REGARDING THE SR-12; ESCALANTE TO BOULDER PROJECT No. STP-0012(8)60E

WHEREAS, the Utah Department of Transportation (UDOT), in cooperation with the Federal Highway Administration, Utah Division (FHWA) is proposing to utilize federal funds to make improvements at several locations along SR-12 between Escalante and Boulder, Garfield County, Utah. The project includes the following:

1. Right-of-way federal lands transfer (MP 68.9 to 83.1)
2. Calf Creek Bridge Replacement (MP 74.5)
3. Roadway and/or roadside stabilization at three locations (MP 74.8, 75.4, and 77.5 to 77.7)
4. Slow vehicle turnout construction at seven locations (eastbound at MP 71.7, 76.2, 79.5, and westbound at MP 69.0, 69.9, 72.5, and 83.0)
5. Intersection improvements at Hole-in-the-Rock Road (MP 64.4) and Calf Creek Recreation Area (MP 75.0), and
6. Curve widening at MP 71.0

WHEREAS, the FHWA, acting as lead agency for implementing Section 106 of the National Historic Preservation Act, has determined that construction of the STP-0012(8)60E, SR-12 Escalante to Boulder Project will adversely affect archaeological site 42GA5647, and has consulted with the Utah State Historic Preservation Officer (USHPO) and the Advisory Council on Historic Preservation (Council) pursuant to 36 CFR 800.5(a), regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C 470f); and

WHEREAS, the Grand Staircase-Escalante National Monument, managed by the Bureau of Land Management (BLM) is also proposing to construct the Hogsback Day Use Recreation Facility (Recreation Facility) adjacent to SR-12 at approximately MP 80 on New Home Bench south of the town of Boulder, Garfield County, Utah; and

WHEREAS, the BLM has determined that construction of the recreation facility will also adversely effect archaeological site 42GA5647; and

WHEREAS, pursuant to 36 CFR 800.6(b)(1)(iv), the signatories have developed this Memorandum of Agreement (Agreement) in order to establish an efficient and effective means of resolving adverse effects that will be caused by both projects; and

WHEREAS, the Utah Department of Transportation (UDOT) is cooperating with the FHWA in

implementation of the undertaking and has been invited to participate in this Agreement as an invited signatory; and

WHEREAS, FHWA has consulted with the Paiute Indian Tribe of Utah (PITU) for which 42GA5647 has religious and/or cultural significance, and has invited the PITU to sign this Agreement as a concurring party; and

WHEREAS, FHWA has consulted with the Hopi Tribe, the Kanosh Band of Paiute Indians, the Shivwits Band of Paiute Indians, and the Kaibab Band of Paiute Indians, for which 42GA5647 has religious and/or cultural significance, and has invited the Tribes to sign this Agreement as concurring parties and none have chosen to participate; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), FHWA has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, the FHWA and the USHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

FHWA shall ensure that the following measures are carried out:

I. Mitigation for potential adverse effects to archaeological site 42GA5647 will include one or more of the following measures, to be jointly implemented by the FHWA and BLM:

- a) Development of an interpretive exhibit at the day use recreation facility that presents elements of human prehistory germane to the area.
- b) Construction of an elevated boardwalk trail to minimize damage to the site from pedestrian traffic.
- c) Excavation of part or all of the site

The determination of which measure will be implemented and how it will be implemented will be made before construction begins of either the SR-12 Improvement Project (UDOT) or the Hogsback Day Use Recreation Facility. Consultation will be conducted for the selected measure, including consultation with the consulting parties to this Agreement and the public.

II. **REPORTING:** The FHWA shall ensure that any/all reports on activities carried out pursuant to this agreement are provided to the USHPO and the signatories to this MOA, and upon request, to any other interested parties.

III. **NAGPRA:** In the event that human remains are encountered within the project's area of potential effects, the FHWA will comply with the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 (25 U.S.C. 3001 *et seq.*), as amended.

IV. **DISCOVERIES:** In accordance with 36 CFR 800.11(a) and (b) (1), the FHWA and the UDOT is

providing for the protection, evaluation, and treatment of any historic property discovered before or during construction. The UDOT CSI 01355 - Environmental Protection Part 1.13, Discovery of Historic, Archaeological, and Paleontological Resources (Appendix A), applies to this project, stipulating instructions to the contractor for the protection of any discovery in the course of construction. Specifically, upon discovery, construction operations shall be immediately stopped in the vicinity and the Engineer shall be verbally notified of the nature and exact locations of the findings. The Contractor shall not damage the discovered objects and shall provide written confirmation of the discovery to the Engineer within two (2) calendar days. The Engineer will inform the Contractor when the restriction is terminated, with written confirmation following within two (2) calendar days.

Should a discovery occur, the FHWA/UDOT will consult with the USHPO, the concurring parties and other affected/ interested parties in accordance with 36 CFR 800.11(b)(2)(ii) toward developing and implementing an appropriate treatment plan before resuming construction.

V. PERSONNEL QUALIFICATIONS: The FHWA shall ensure that all work carried out pursuant to this agreement is completed by or under the direct supervision of a person or persons meeting or exceeding the *Secretary of the Interior's Historic Preservation Professional Qualification Standards for Archaeology* (36 CFR 61 Appendix A).

VI. DISPUTE RESOLUTION: Should the USHPO object within 30 days to any plans, findings, or data provided for review pursuant to this agreement, the FHWA shall consult with them to resolve the objection. If the FHWA determines that the objection cannot be resolved, the FHWA shall forward all documentation relevant to the dispute to the Council. Within 30 days after receipt of all pertinent documentation, the Council will either:

- a) provide the FHWA with recommendations, which the FHWA will take into account in reaching a final decision regarding the dispute; or
- b) notify the FHWA that it will comment pursuant to 36 CFR 800.6(b), and proceed to comment. Any Council comment provided in response to such a request will be taken into account by FHWA in accordance with 36 CFR 800.6(c)(2) with reference to the subject of the dispute.

VII. AMENDMENTS: Any party to this Agreement may request that it be amended, whereupon the parties will consult in accordance with 36CFR800.6(c)(7) to consider such amendment. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

VIII. TERMINATION: Any party to this Agreement may terminate it by providing thirty (30) days notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. If the Agreement is not amended, any signatory may terminate it. The FHWA will either execute a Memorandum of Agreement with signatories under 36 CFR800.6(c)(1) or request the comments of the Council under Section 800.7(a). The FHWA shall notify the signatories as to the course of action it will pursue.

IX. COPIES: The FHWA will provide each consulting party with a copy of any Memorandum of Agreement executed pursuant to stipulations VII and VIII.

X. REVIEW OF IMPLEMENTATION: If any of the stipulations above have not been implemented by December 31, 2009 the parties to this Agreement shall determine whether revisions are needed. If revisions are needed, the parties to this agreement will consult in accordance with 36 CFR 800 to make such revisions.

Execution of this Memorandum of Agreement by the FHWA, BLM and the USHPO, and implementation of its terms evidence that the FHWA has afforded the Council an opportunity to comment on the STP-0012(8)60E, SR-12 Escalante to Boulder Project and its effects on historic properties, and that the FHWA has taken into account the effects of the undertaking on historic properties.

APPENDIX A
UDOT STANDARD SPECIFICATIONS
SECTION 01355; 1.13
DISCOVERY

SECTION 01355

ENVIRONMENTAL PROTECTION

1.13 DISCOVERY OF HISTORICAL, ARCHAEOLOGICAL, OR PALEONTOLOGICAL OBJECTS, FEATURES, SITES, HUMAN REMAINS, OR MIGRATORY AVIAN SPECIES

- A. Immediately suspend construction operations in the vicinity (minimum 100-ft buffer around the perimeter) of the discovery if a suspected historic, archaeological, or paleontological item, feature, or site is encountered, or if suspected human remains are encountered.
- B. Verbally notify the Engineer of the nature and exact location of the findings.
- C. The Engineer contacts the UDOT Region staff archaeologist, who will assess the nature of the discovery and determine the necessary course of action.
- D. Notify the Engineer who in turn notifies the Region Environmental Manager and the UDOT Wildlife Biologist if bats or migratory birds are discovered on structures.
 - 1. Coordinate to determine the necessary course of action.
- E. Protect the discovered objects or features and provide written confirmation of the discovery to the Engineer within two calendar days.
- F. The Engineer keeps the Contractor informed concerning the status of the restriction.
 - 1. The time necessary for the Department to handle the discovered item, feature, or site is variable, dependent on the nature and condition of the discovered item.
 - 2. The Engineer will provide written confirmation when work may resume in the area.

SIGNATORY:

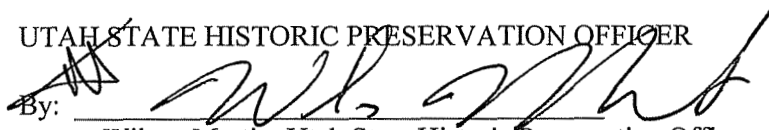
THE FEDERAL HIGHWAY ADMINISTRATION

for By: Edward T. Westford
Walter Waldelich, Division Administrator

Date: 10-29-08

SIGNATORY:

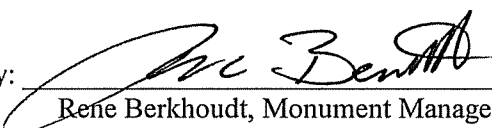
UTAH STATE HISTORIC PRESERVATION OFFICER

By: 
Wilson Martin, Utah State Historic Preservation Officer

Date: 10/15/2008

SIGNATORY:

THE GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT

By: 
Rene Berkhoudt, Monument Manager

Date: 9/2/2008

INVITED SIGNATORY:

THE UTAH DEPARTMENT OF TRANSPORTATION

By: _____

Nathan Lee, Region 4 Director

Date: _____

7-03-08

CONCURRING PARTY:

THE PAIUTE INDIAN TRIBE OF UTAH

By: _____

Lora E. Tom, Chairwoman

Date: _____

8/5/08



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155
<http://www.blm.gov/ut/st/en.html>



IN REPLY REFER TO:

2821
(UT921)

NOV 14 2008

Memorandum

Bryan Cawley, P. E.
U. S. Department of Transportation
Federal Highway Administration
2520 West 4700 South, Suite 9A
Salt Lake City, UT 84118-1847

Dear Mr. Cawley:

Thank you for meeting with my staff and me on September 2, 2008 to discuss the State Route 12 Escalante to Boulder project. We understand that your preferred action is to request the appropriation of a typical 200 foot wide right-of-way, consistent with and connecting to existing highway right-of-way appropriations. The identified right-of-way appropriation on this section of Utah State Route 12 in southern Utah would accommodate improvements analyzed in your environmental assessment (EA), as well as future Utah Department of Transportation (UDOT) project improvements to address highway safety requirements. I appreciated hearing your thoughts and concerns regarding the health and safety concerns along SR 12 as existing today and understanding your needs to minimize those concerns.

Since our meeting my staff has reviewed your draft environmental assessment (EA) and road improvement plans along the 14.2 mile section of road that crosses public lands administered by the Bureau of Land Management (BLM) on SR 12. My staff submitted comments this past spring and have no more comments to submit at this time.

I suggest you formally submit your request for appropriation of public lands for the right-of-way as outlined in the 1982 FHWA/BLM Interagency Agreement (IA). Please ensure that your request is accompanied by your EA, highway maps and all appropriate environmental surveys. That formal application should be submitted to the Grand Staircase-Escalante National Monument Manager, Rene Berkhoudt.

RECEIVED

NOV 18 2008

FHWA Utah Division

Upon our receipt of your formal request, field staff from the Monument and the Utah State Office will review your request. We expect to respond to your request for appropriation well within the four month period outlined in the IA. I suggest you ensure your request and EA specifically outline the necessity of ensuring the health and safety of the traveling public along the 14.2 mile stretch, along with specific designs for improvements for safety.

Please contact me at (801) 539- 4010 if you require further information or wish to discuss this matter further.

Sincerely,

/s/ Selma Sierra

Selma Sierra
State Director

cc: Carlos Machado
Program Manager
U. S. Department of Transportation
Federal Highway Administration
2520 West 4700 South, Suite 9A
Salt Lake City, UT 84118-1847

Andrea Clayton
H.W. Lochner, Inc.
310 East 4500 South, Suite 600
Salt Lake City, UT 84107

SR12FWA Response OCT 2008 MD-SA-10-29-08

November 17, 2004

H.W. Lochner, Inc.
Attention Kim Clark
310 East 4500 South Suite 600
Murray, UT 84107

Ladies and Gentlemen

SUBJECT SR-12

I am a student at Escalante High School and a resident of Boulder. I travel on Highway 12 at least two times every day to and from school.

The scene on the highway is very beautiful, but we still need to be safe for the school students who ride this road everyday. The road needs to be widened, the shoulders need to be wider, and we need more pull offs. Tourists who drive through here stop right in the middle of the road to take pictures because they are afraid of parking near the edges. This makes the travel of commuters and students unsafe. Rocks slide when ever it rains and fall in the middle of the road making travel dangerous and difficult.

Thank you for your understanding.

Sincerely



Sieta LeFevre
P.O. Box 1419
Boulder, UT 84716

November 17, 2004

H.W. Lochner, Inc.
Attention Kim Clark
310 East 4500 South Suite 600
Murray, UT 84107

Ladies and Gentlemen

SUBJECT Highway 12

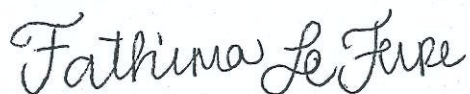
As a student from Boulder I travel the bus twice a day Monday through Friday to go to Escalante High School. Here are a list of my concerns.

First of all would be safety for students, parents, who travel to and from work. We need more guard rails for protection. We need a separate lane for bikers. They are very hard to see, especially when going around curves.

Something should be done about falling rocks. While going to school, our bus driver stops and picks up rocks so it won't hurt others who travel the road that day. It makes us late for classes. We need to have more scenic turn offs for tourists who want to take pictures and look at the view. That way they won't park in the middle of the road and hold up traffic behind them.

Thank you for your consideration.

Sincerely



Fathima LeFevre
P.O. Box 1419
Boulder, UT 84716

November 17, 2004

H.W. Lochner, Corp.
Attention Kim Clark
310 East 4500 South Suite 600
Murray, UT 84107

Ladies and Gentlemen

SUBJECT Highway 12

My experience with Highway 12 is considerable. I travel to Escalante for school two times a day, sometimes even four. I also have to travel Highway 12 when leaving town for shopping or visiting relatives.

Automobile travelers and bicyclists don't use good judgement. Bicyclists ride in the middle of the road because they are afraid of falling off and ignore fellow travelers who would like to pass them. Tourists are always stopping in the middle of the road to get a better view or crawling at speeds so slow they hold up traffic.

I think it would be beneficial to have the road worked on. We should not fix only some of the potholes and dips, but we should also widen the road, build more turn offs for tourists, and add a passing lane in some areas. Some speed signs should be changed to a more appropriate speed to help the flow of traffic, and reflectors should be placed on more signs so they aren't mistaken for wildlife.

I appreciate your time and hope you will help keep Highway 12 safe for all its travelers.

Sincerely

A handwritten signature in cursive script that reads "Elizabeth Fischer". The signature is written in dark ink and is positioned below the word "Sincerely".

Elizabeth Fischer
P.O. Box 1398
Boulder, UT 84716

November 17, 2004

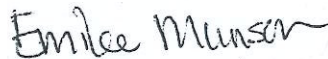
H.W. Lochner, Inc.
Attention Kim Clark
310 East 4500 South Suite 600
Murray, UT 84107

Ladies and Gentlemen

SUBJECT S.R. 12

I am a resident of Escalante, located along Highway 12. Every week I travel to neighboring towns Boulder, Tropic, and Panguitch. I feel that the roads are too narrow from Escalante to Boulder. It makes me feel unsafe to pass another vehicle along that section of road. The road should be widened, and the shoulder of the road should be wider. This will give tourists room to pull off and enjoy the area without still being in the road.

Sincerely



Emilee Munson
45 E. 200 N.
Escalante, UT 84726

November 17, 2004

H.W. Lochner, Inc.
Attention Kim Clark
310 East 4500 South Suite 600
Murray, UT 84107

Dear H.W. Lochner, Inc.

SUBJECT SR-12


I am a 16-year-old student at Escalante High School and also a resident of Boulder. Everyday I travel across SR-12 at least two times. Anytime I leave school or home, to get groceries or supplies, I have to travel on that road.

People who travel across the road for the first time have some trouble. They feel it is too dangerous, so they drive at least 10 MPH under the speed limit. It would be nice if you could make more pull offs for the tourists so they aren't slowing traffic down. Fixing some of the shoulders so they aren't just drop offs would help tourists and residents. Taking all the potholes and bumps out of the road would make it a nicer trip.

On the other hand, I don't think that you should do anything that will affect the scenic view or the historical memory of the road. The road represents something for the people who have lived here for many years. Adding a bike trail would be a good thing in some ways, but it might also take away from the road's beauty and history.

I hope this letter will influence your decisions on the improvements on the road.

Sincerely


Jessica Corderman
1285 West Hwy. 12
Boulder, UT 84716

November 17, 2004

H.W. Lochner, Inc.
Attention Kim Clark
310 East 4500 South Suite 600
Murray, UT 84107

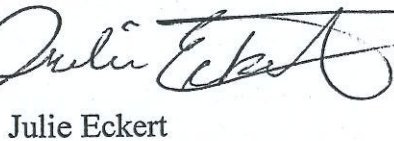
Dear Lochner, Inc.

SUBJECT S.R.-12

Though I travel Highway 12 rarely, I am still concerned with its hazards. Highway 12 is very unsafe for the many visitors and even locals who use that road every day. I think work on this road would not only be beneficial to tourists but to residents as well.

The roads and the shoulders should be made wider. A passing lane should be added for locals who may drive faster than tourists. I want to preserve the environment and scenic views, so make only changes that are absolutely needed to make this road a more safe and enjoyable traveling experience.

Sincerely



Julie Eckert
25 South 100 West
Escalante, UT 84726

November 17, 2004

H.W. Lochner, Inc.
Attention Kim Clark
310 East 4500 South Suite 600
Murray, UT 84107

Ladies and Gentlemen

SUBJECT Highway 12

I am a student at Escalante High School and a resident of Boulder. I have to travel on Highway 12 to and from school (30 miles both ways) sometimes as many as four times a day. I also have to travel on Highway 12 to leave town, so my experience on Highway 12 is considerable.

I think there should be more pull-offs. This way, tourists who are scared can pull over to let others by if they insist on going slow. It would also be safer for other travelers if tourists had a place to pull off to take pictures instead of parking in the middle of the road.

I don't, however, think you should make the road wider. People have been traveling Highway 12 the way it is for years, and there haven't been many problems. Highway 12 is beautiful, and some people come to this area just for the scenery. Making the road wider would ruin some of the road's beauty.

Sincerely

Kari Heaton

Kari Heaton
Box 1431
Boulder, UT 84716

November 22, 2004

H.W. Lochner, Inc.
Attention Kim Clark
310 East 4500 South Suite 600
Murray, UT 84107

Ladies and Gentlemen

SUBJECT SR-12

I have been a citizen of Escalante for 17 years, and travel SR 12 every other weekend. There are many things I think need changes or improvements:

- Not enough turn-outs
- Need more passing lanes
- Better maintenance
- Wider shoulders
- Wider lanes
- More guards around sharp corners
- Signs without reflectors that don't look like elk in Upper Valley

Thank you for listening about my concerns.

Sincerely



Amanda Porter
P.O. Box 109
Escalante, UT 84726

November 22, 2004

H.W. Lochner, Inc.
Attention Kim Clark
310 East 4500 South Suite 600
Murray, UT 84107

Dear Lochner, Inc.

SUBJECT SR-12

I live in Escalante, Utah, and travel through Boulder often. The road is okay for people who travel it often, but for tourists it is a different story. They do not like to drive it. They are always driving too slow, and they drive right in the middle of the road. They are always wanting to take pictures and there are not very many pull-outs, so they stop in the road, which is very hazardous.

It is a good idea to fix this road because it is extremely dangerous. I know it will take time to fix and there will be some delays, but it will be worth it in the end.

Sincerely



Chad Cottam
PO Box 244
Escalante, UT 84726

November 22, 2004

H.W. Lochner, Inc.
Attention Kim Clark
310 East 4500 South Suite 600
Murray, UT 84107

Dear Lochner, Inc.

SUBJECT Highway 12

I live in Escalante, Utah. In order to go to any other town, I must travel on Highway 12. Escalante, as you know, is in the middle of Highway 12, so I travel this road quite often. I drive this road for both school oriented and for personal reasons.

There ought to be more pull-outs for tourists because we live in a beautiful area, but the road needs to be used for driving, not parking. This area is heavily populated with wildlife, and signs can be mistaken for wildlife. More reflectors ought to be placed on the signs. These are a few things I have noticed.

Thank you for your time.

Sincerely

Dallen Shakespeare

Dallen Shakespeare
Box 29
Escalante, UT 84726

November 22, 2004

H.W. Lochner, Inc.
Attention Kim Clark
310 East 4500 South Suite 600
Murray, UT 84107

Dear Lochner, Inc.

SUBJECT Highway 12

For the last four months I have been driving Highway 12. From Panguitch to Escalante, the road gets bad, but from Escalante to Boulder gets worse. The shoulders are very narrow; the road also has holes and bumps in it. There have been many wrecks on Highway 12; it is a very dangerous road. It needs to be improved.

Sincerely

Derek Woolsey

Derek Woolsey
P.O. Box 251
Escalante, UT 84726

November 22, 2004

H.W. Lochner, Inc.
Attention Kim Clark
310 East 4500 South Suite 600
Murray, UT 84107

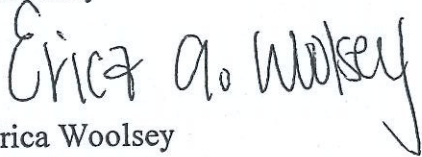
Dear Lochner, Inc.

SUBJECT SR-12

My life is spent on a bus. This means that I travel SR-12 more times a year than most people. This road needs wider shoulders, more pull outs, and wider lanes. The people who travel this road have various complications with tourists. Tourists drive slower to look at the scenery, bike SR-12 and take the middle of the road, and they park in the road to take pictures. The people who live here have destinations to reach.

Many tourists travel this road once or twice in their life. They may say that it will ruin the scenery if we fix such problems. They don't understand that it complicates our lives and endangers their safety when these problems don't get fixed.

Sincerely

A handwritten signature in cursive script that reads "Erica A. Woolsey". The signature is written in dark ink and is positioned above the printed name and address.

Erica Woolsey
P.O. Box 251
Escalante, UT 84726

November 22, 2004

H.W. Lochner, Inc.
Attention Kim Clark
310 East 4500 South Suite 600
Murray, UT 84107

Ladies and Gentlemen

SUBJECT Highway 12

My experience with Highway 12 has usually been favorable, but I know it's getting worse because we have had many more car wrecks, injuries, and fatalities each year.

UDOT needs to make the road wider so it is safer for locals and tourists. I suggest widening the road for more pull offs so people don't have to worry about going too slow because it's so narrow.

Thank you for considering my viewpoints.

Sincerely

A handwritten signature in black ink, appearing to read "Jordan Carter", written over a horizontal line.

Jordan Carter
255 North Reservoir Road
Box 275
Escalante, UT 84726



Jim Catlin
68 South Main Street, Suite 400
Salt Lake City, Utah 84101

December 23, 2004

Dear Mr. Catlin,

It was a pleasure speaking with you. The SR-12 Project Team truly appreciates your interest in, and commitment to, participating on the SR-12 Context Sensitive Committee (CSC). As we discussed, the Utah Department Transportation developed this Committee to provide an additional resource for valuable input and ideas during the safety improvement studies along SR-12 from Escalante to Boulder in Garfield County.

The CSC is vital to this project as it offers an innovative way to maintain open and honest channels of communication between major interest groups and the SR-12 Project Team. As you know, the SR-12 corridor is one of the most unique and beautiful in the country – and critical in serving both the local communities and the visiting public. It is important for the Project Team to understand the context of the area from many perspectives. Therefore, the Project Team sees this group acting, in part, as a “focus group” representing the sensitive environmental, municipal, public, regulatory, recreational, and transportation issues as a whole. As each committee member brings an understanding of various interests, you will act as a representative of your respective group. The Project Team strongly believes every voice must be heard. We encourage all members to actively participate in the committee meetings and voice any ideas, questions, or concerns that you may have regarding any aspect of this important project.

Representatives from the following interest groups have been invited to be members of the CSC:

Boulder City
Escalante City
Garfield County Travel Council
Ranching Community
US Bureau of Land Management/Grand Staircase-Escalante National Monument
Federal Highway Administration
Utah Department of Transportation
Escalante and Boulder Chamber of Commerce
Wild Utah Project
Southern Utah Wilderness Alliance
Bicycling Community
Garfield County School District
Garfield County Businesses

The Project Team is excited about the initiation of this committee and the opportunities it provides to participate in the transportation decision-making process. We have attached the following information for your reference, and to make your participation easier and more productive:

- Project Information Sheet – provides a brief description of the project study process;
- Project Map – identifies the project area and major resources;
- Project Glossary – lists common project terms and definitions;
- NEPA Information Card – defines the National Environmental Policy Act;
- Context Sensitive Solutions Card – provides concepts for Context Sensitive Solutions and design;



- Draft CSC Charter – provides a draft outline of the initiative, mission, and goals for the Committee;
- Project Questionnaire – page three of this document, please fill out and send back in the self-addressed stamped envelope provided

Please note that the CSC Charter included is a **draft** to be discussed with each CSC Member and then finalized at the first CSC meeting for signatures. The draft includes the foundation for the CSC's initiative, mission, and goals. They include assisting the Project Team with the development of the project area context and the "Purpose and Need" statement. In addition, the CSC will provide feedback on comments received to date from the public as well as provide additional information and insight.

The CSC will assist in developing a project vision and evaluation criteria. Members will also brainstorm various safety improvement alternatives that are consistent with the purpose and need and are compatible with both the natural and built environments.

In order to fully understand and appreciate the context of this project, the Project Team has determined that committee meetings should be held within the vicinity of the project. Therefore, all CSC meetings will be alternately held in Escalante and Boulder. It is anticipated that the first CSC meeting will be held during the first week of February. Exact times, dates, and locations will follow this letter.

We have scheduled a meeting with you on January 14, 2005, to further discuss your selection for this important endeavor. I look forward to meeting with you on the 14th to discuss the committee, the enclosed materials, and your interest in the project.

If you have any questions, comments, or concerns, please feel free to contact either of us. Thank you for your time and we look forward to working with you.

Sincerely,

Michelle Fishburne, PE
SR-12 CS Committee Co-Facilitator
HW Lochner, Inc.
310 East 4500 South, Suite 600
Salt Lake City, Utah 84107
(801) 262-8700
mfishburne@hwlochner.com

Kim Clark, PE
SR-12 CS Committee Co-Facilitator
HW Lochner, Inc.
310 East 4500 South, Suite 600
Salt Lake City, Utah 84107
(801) 262-8700
kclark@hwlochner.com



Name:

☐ Mail
☐ Phone Call
☐ Email (Address: _____)
☐ Other _____

This image shows a full page of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page, providing a template for handwriting practice or general writing. There are no margins, text, or other markings on the page.

Boulder Regional Group
P O Box 1455
Boulder, Utah 84716
brgutah@yahoo.com
435-335-7477

INTERESTED PUBLIC NOTIFICATION and COMPLAINT

DATE: February 24, 2005

To: Randi A. Shover with H.W. Lochner, Inc
310 East 4500 South, Suite 600
Salt Lake City, Utah 84107 (801) 262-8700 rshover@hwlochner.com

Dear Ms. Randi Shover,

I appreciate very much being able to finally contact you by telephone to try to understand what has been occurring this week and the past several months concerning the UDOT Highway 12 Environmental Assessment (EA) being conducted within the Grand Staircase Escalante National Monument (GSENM). The Boulder Regional Group (BRG) is located within the project area.

As you know, Lynne Mitchell of BRG sent an email to you earlier this week asking if there was some kind of a meeting being held this week in Escalante, Utah regarding this project. She did this after hearing a rumor that there would be a meeting. Without the rumor and a subsequent email to you we would still know nothing about the meeting or the formation of some kind of an advisory committee. Unfortunately you, nor anyone with the Lochner staff were able to check the emails directed to your office using your own Highway 12 website this week so BRG was never informed and subsequently unable to attend a meeting held right here in our own area and project location.

There was also no information about this meeting (or formation of a committee) posted on either of the town bulletin boards in Escalante or Boulder, although this particular portion of the Highway 12 project area is located between our two small towns. Lochner also failed to send out any emails to the public or BRG that there was a meeting although you did send an email a couple of weeks ago touting your website as the place for us to keep informed. Your website(s) provided no notice of any meetings, lists no phone contact information (so we could phone and find out about the meeting), has nothing about selecting any working group committee, or a process to pick or nominate members for the committee. The websites indicate they were "Last Updated November 24, 2004" meanwhile there has evidently been plenty occurring that the public should have been fully informed about.

We have reviewed the website(s) weekly since last fall, especially the past 10 days looking and waiting for some kind of notification about any meetings. I personally told Ms. Mitchell that if there was going to be a meeting that she merely needed to monitor the website and check in-coming emails at brgutah@yahoo.com to know if the rumor of any meeting was true. I was wrong because I depended on your **Notice to the Public** (required by Advisory Committee regulations and NEPA) and/or notice to our BRG email or phone number since we have provided the information prior as we made it known to everyone we could that **BRG is an interested public in this project. If there is any question as to our standing, we formally reiterate our status by way of this letter.** After all, BRG did file comments to the GSENM EA the last time UDOT tried to blast out a section above Calf Creek Falls. In fact, that poorly conducted EA would have already been implemented had it not been for our filing an Appeal to the Interior Board of Land Appeals (IBLA) in conjunction with the Escalante Wilderness Project (EWP) to force GSENM to withdraw the EA and stop this disaster. We demanded then and continue to demand that UDOT and GSENM prepare an Environmental Impact Statement (EIS) for the entire length of the Highway 12 prior to any more piecemeal destruction of

our scenic natural resources. Given UDOT has already decided to reduce the project to an EA for only a short portion of Highway 12, we still maintain, under NEPA, it must be an EIS for the entire length of this designated Scenic Highway. Given the unacceptable illegality of what has already been occurring since this project was noticed to the public, especially formation of a working group and lack of public knowledge, BRG hereby informs Lochner, UDOT, and GSENM that UDOT needs to start again. **You informed me today that the idea was to wait until later to decide if it should be an EA or an EIS but we are informing you and UDOT in writing that when you do decide, we firmly believe you must again formally place a new notice of an EIS to the public.** UDOT, working with GSENM should have already researched the need for an EIS prior to a Notice.

Lochner and UDOT failed to inform BRG or the local public that there was a 12 person committee being formed to advise UDOT on preparation for the EA/EIS. You told me today over the phone that an employee consultant of Lochner, Stephen Trimble was assigned to chose which environmental organizations would be allowed membership on the committee. You said I should call Mr. Trimble, Southern Utah Wilderness Alliance (SUWA), and Wild Utah Project for information and input about the committee but when I did, no one was in their offices. Subsequently, BRG has not yet been able to speak with anyone but you and I will be in the field (GSENM) tomorrow (Friday) through Sunday so I am writing this letter and emailing it with no input from Mr. Trimble or the chosen Wasatch Front environmental groups. I have been designated by EWP and now decided to lead the BRG effort on this project and inform you now that this sort of selection process is unacceptable.

Mr. Trimble, a paid consultant of Lochner who attended the prior UDOT open house meetings as an official representative, requested and was sent several months ago, photo copies of our prior above mentioned EA appeal and comments that halted the wrongful construction/destruction near the famous “Hogsback” section of highway 12 a few years ago. BRG and EWP’s appeal was the primary reason there is an environmental assessment (EIS) process being conducted now. Mr. Trimble knew fully of our strong continued interest but failed to ever contact us again about membership on the committee or this meeting. Have there been other meetings held during the past that were similarly not noticed to the public? It appears to us that he and others merely wanted to say they contacted BRG and then find other groups to avoid allowing us to have direct input in a working group setting. Did members of the other groups attend Open House Meetings or initially contact Lochner to express their interest? Were there nominations taken and what were the criteria for membership? BRG and EWP resent the implications that since we are not based in Salt Lake City, we must now be forced to work through these organizations to access information and have input on this important committee. It seems that all of the other members of the committee are proponents for growth, change, and monetary gain, whether they are state, federal, and local government representatives or eco-tourism proponents. BRG has been a local organization for the past 20 years, shown interest in these local UDOT projects yet Lochner and others apparently have made a unilateral decision to exclude our direct input. WUP and SUWA never filed appeals on the past “Hogsback” work and are not locally based yet they have already been selected to participate.

We at BRG find all of the above to be unacceptable. More or less secret meetings not noticed to the public, no way to reasonably communicate to organizers—even using their websites, no notice to interested public, arbitrary selection of working group membership, etc. Please keep us informed of all decisional and non-decisional planning and other activities regarding this project. As we have already expressed repeatedly in the past, we particularly want to be present at any tours of the road.

Thank You, Julian Hatch for Boulder Regional Group

CC: EWP, UDOT, Stephen Trimble, SUWA, GSENM, (and others)



southern
utah
wilderness
alliance



March 24, 2006

Re: Comments on the proposed SR12 project

Submitted jointly by the Southern Utah Wilderness Alliance and the Wild Utah Project.

Project Supervisors:

Thank you for giving us the opportunity to participate in the Context Sensitive Committee (CSC). As we understand it, the purpose of convening this committee was to get input from stakeholders and incorporate that input into the planning process. The formation of the CSC is an acknowledgement of the fact that this is no ordinary highway, that in fact its context was a very important aspect of its functionality.

Our interest in this project falls into two categories.

First, we want to make sure that no part of this project interferes with lands proposed for wilderness designation. A large part of SR-12 between Boulder and Escalante borders the Utah Wilderness Coalition's wilderness proposal – America's Redrock Wilderness Act. We are concerned that even improvements that do not physically infringe on the proposed wilderness lands could, nevertheless, have indirect impacts.

We recommend that UDOT apply for a right of way for this section of SR-12 using Title V of FLPMA. We recommend that this right of way be 100 feet from the center line of the highway on either side, and that modifications from the status quo be minimized and be limited to those that shall increase the public's safety along this route.

Further, we recommend that improvements along SR-12 enhance the wilderness experience for those using backcountry within view of the highway. For example, major concrete retaining walls on the Hogsback would be very visible to people walking in the canyons below. We would like to make sure that all necessary improvements are designed for low visual impact.

Second, we represent many people who travel on and love this stretch of road. SR-12 is an experience in itself, and the section under discussion is the most memorable portion. People enjoy the minimal influence and harmony with this remarkable landscape that the character of this road today conveys. We caution those promoting improvement that this character is a marked difference from the bland smoothness of the manicured, over engineered roads that comply with highway engineering standards. We seek to

preserve the road's rough edges, while still providing for the rectification of any problems that have proved a safety hazard.

Most of the options discussed by the CSC would have a fairly low impact on the character of the road. These include things like paving the road to the cliff base to provide a bike lane and putting up additional cautionary signs. More intrusive options, such as constructing a long bridge over the entire area or lowering the Hogsback, were greeted with groans from most of the CSC members. From the first day of meetings, the CSC held a general consensus that changes to the road should be unobtrusive.

The following are comments on specific topics or areas of concern.

Purpose Statement: As it currently exists, the statement of purpose for the SR-12 project does not include the goal of "maintaining the character of the road." However, this was one of the primary goals mentioned in some way by nearly every member of the CSC. It came out many times in notes and summaries of CSC discussions. It seems that, in addition to obvious purposes behind the project, maintaining the character of the road must be included. If the highway improvement team streamlines the road so much that it loses its character, they have failed in their mission. We request, once again, that "maintain the character of the road" be added to the purposes.

Each of the stated purposes for the project comes with a brief explanation of the context of that purpose. We suggest adding something like the following:

"4: Maintain the character of the road – This section of SR-12, perhaps more than any other state highway, allows the traveler to cross one of North America's most remarkable landscapes with a minimal roadway footprint. Its narrow curves hug the landscape, brushing against sandstone cliffs, skirting the sirocco formations that drop below, and gracefully crossing the rare perennial streams of these canyons. Some safety improvements are expected. However, to maintain the character of this roadway wherever possible modifications must occur within the area that is today impacted by the current highway. There might be some exceptions, say for a new pullout, but the general intent is to present little visual change to the road as improvements are made."

Wilderness Study Areas and Proposed Wilderness Areas: The conservation community advocates for protection of lands included in America's Redrock Wilderness Act. For this reason, conflicting uses and new impacts, whether by road reroutes, bike paths, or overlooks, will be opposed. Long stretches of this part of SR-12 are bordered by Wilderness Study Areas, which have very specific legal protection and, for practical purposes, are managed as wilderness areas. Other parts of the road are bordered by the Utah Wilderness Coalition (UWC) wilderness proposal. For the record, the UWC proposed wilderness areas are set back 100 feet from the center of the pavement for roads like SR-12 where no right of way exists. For roads where a right of way exists, the wilderness boundary is on the edge of that highway right of way.

Footprint

A footprint is an obvious way of measuring a road's impact. Improvements to SR-12 should whenever possible be kept inside the current disturbed area of the road. This means that no significant new grading, flattening or blasting should take place. To create bike lanes through road cuts, for example, we should pave up to the cliff line and put

culverts underneath the pavements, rather than blasting away sections of the cliff to create a new ditch.

Safety Standards

Safety is ostensibly the primary reason for road improvements. However, the data and analysis that this process provided concludes that the section of this road from Head of the Rocks to New Home Bench has fewer accidents than many other sections of SR-12, including those that are straighter, wider, and closer to highway engineering design standards. As a law enforcement officer agreed in his presentation to the CSC, it is less that the road is unsafe, and more that it is *perceived* to be unsafe, because of its steep sides and sharp curves. These obvious visual cues make people slow down and drive more carefully, thus resulting in fewer accidents. It is the same “traffic calming” principle used on busy urban roads where speeding is a problem. In the case of SR-12, it is quite possible that making the road *look* safer will actually result in more accidents. We should therefore resist the temptation to straighten curves and flatten grades simply because they seem dangerous, instead relying on accident data to see what areas of the road really need to be “improved.” Anything that makes noticeable changes to the character of the road should be given greater scrutiny, and performed only if they are absolutely necessary for safety concerns.

Widening or straightening the road to fit AASHTO standards would not be in keeping with the road’s character, and is in any case not required for roads where extenuating circumstances, such as rugged scenery, exist.

A number of accidents noted in the meetings involved collisions with wildlife and livestock, often at night. As this process revealed, at night, a typical car cannot drive faster than 45mph and see an animal soon enough to stop in time. For this reason, a 45 mph speed limit should be instituted in areas where large animals are often in the road at night.

Large trucks and RVs offer special problems especially on narrow roads. In the curvy section of the road, we recommend that the speed limit for large vehicles be 25 mph and that they be required to use turnouts to allow for faster vehicles to pass. This is an important safety consideration for bicycles using this road.

Scenic Considerations

Improvements to this section of highway need to improve the scenic character of the road. As mentioned earlier, oversized bridges, Jersey barriers, cliff cuts, and bare soil road cuts and fills must be avoided, and where they exist replaced with more suitable treatments. Stone walls made from native materials are recommended for retaining walls. An example of such retaining wall can be found on the stream side of the road about a quarter mile downstream from the Calf Creek Bridge. Several options were presented using different sprayed concrete retaining walls. The examples shown appear to be out of character with this landscape.

Bike paths/lanes

UDOT should generally avoid widening the curved sections of the road. However, in places where bikes may block traffic by going slowly uphill, and drivers may be tempted to pass them unsafely (by going into the opposite lane), UDOT should pave a four-foot-wide shoulder within the current footprint of the road. We are opposed to cliff removal

in order to make bicycle lanes. Bicycle lanes should be marked and have adequate signage. Here are a few more considerations when establishing uphill bicycle lanes:

- In narrow road cuts, the pavement could be extended to the foot of the cliff, with a drainage pipe laid underneath the pavement to channel runoff. This obviates the need for blasting into the cliff and changing the character of the road. In the few places where the roadway is too narrow to allow for an uphill bicycle lane, signs are recommended that warning drivers of bikes in the road. Since these areas are few (and only one of them, the stretch near the Boynton Overlook, is near a steep curve), there should be no reason to blast out cliffs to make room for bike lanes.
- Near the Hogsback, there are a couple of places where the road is so close to a steep cliff that there is very little room to widen the shoulder. In that case, UDOT should install a bike lane by widening the road within the current impacted area by use of retaining walls. These walls should be made of, or faced with, native stone, and can be on the upslope or downslope side of the road. If there is literally no room, UDOT should again install signs warning people of slow bicycles.
- Though the Cream Seller's route was discussed as a possible corridor for a separate bike path, further consideration has indicated that this is not a good idea for a number of reasons. Construction of a bicycle route would significantly damage the historic character of this route as it exists today. The route is currently quite rough, and would require extensive blasting, grading and possibly paving to be suitable for slippery road bike tires (most people riding SR12 probably use tires designed for pavement rather than dirt). Furthermore, part of the Cream Seller route goes through the UWC's wilderness proposal and the wilderness study area. UDOT would meet with significant opposition were any developments put into this area.
- New Home Bench may offer an opportunity for a separate path bicycle path. If UDOT can keep the path within the right of way or, on the east side, between the road and the wilderness study area boundary, this might be a good idea.
- There are several places where a bike lane could be installed by taking out the angle-of-repose piles of rubble that border the road, and instead putting in a retaining wall made of native stone. This would be more attractive, safer and relatively unobtrusive (as opposed to blasting out cliff sections to make room for bicycles).
- In places, particularly in Calf Creek Canyon, where the outside slope of the road is already unstable rubble, a retaining wall on the uphill side of the road made of native stone might make the road less prone to erosion.
- We should learn from the Highway 89 bicycle path north of Maryvale. This bicycle path was oversized and out of keeping with the scenic character of the canyon. The lanes are too wide and the impacted area from construction in some places over 150 feet wide. A bicycle trail can be just five feet wide and curve and dip to fit the existing terrain and avoid trees.

Passing and Turning Lanes and Turnouts

Again, since UDOT should discourage high-speed travel on this road, they should avoid putting in infrastructure that facilitates it. However, since RVs tend to block the road for locals who aren't there to sightsee, it may be helpful to put in a few turnouts. Passing lanes were analyzed and we concluded that these would need to have a significant length that requires excessive disturbance. These turnouts should be in the spots that are

naturally flat, so that their construction does not lead to major changes in the landscape. Here are a couple of ideas. There may be other locations that need to be considered:

- New Home Bench, as the first flat spot north of Calf Creek and the Hogsback, is a reasonable place for a few turnouts.
- The westernmost portion of the road, miles 61-69, is flatter, not up against a wilderness proposal boundary, and is long enough to allow people to pass one another. A warning that this is the last passing lane before a long slow section might be useful here.
- The lane turning into the Calf Creek Campground is a sharp turn if the driver is coming in from the north. However, since this spot has not been accident-prone, a sign warning drivers about the curve, and maybe some additional reflectors along the outer edge for night drivers, should suffice. Reengineering is not necessary.

Boynton Overlook

Members of the CSC noted that the Boynton Overlook is small and awkwardly placed for vehicles turning into the parking lot at high speeds. One suggestion was to blast out the cliff on the other side of the road, install a large parking lot with diagonal spaces, and paint a crosswalk to guide people across the highway. Such a construction would be in a place that requires removal a lot of sandstone and pose new dangers for pedestrians crossing this highway on a corner. The Boynton Overlook is bracketed by steep, tight curves in the road on each side. It is difficult for drivers to see very far ahead in that area. Installing a system that forces people to walk across the road would exacerbate an already dangerous situation. Expanding the existing overlook on the same side might be a good idea as long as it does not require removing more cliff.

Head-of-the-Rocks curve

There was one proposal to cut through the small curve above Head-of-the-Rocks to increase the design speed of the roadway just as it enters the switchbacks section. Accident data does not support this change. Improved signing, rumble strips, and speed transition zones make more sense.

Calf Creek Bridge

UDOT engineers are worried that the Calf Creek Bridge is situated in such a way that the creek is eating away at the pilings and making it unsafe. If this bridge is redesigned and placed differently, we ask that the bridge remain within the footprint now occupied by the road, and to the greatest extent possible blend in with the landscape. The bridge that now crosses the Escalante River is a good example of construction that is not within the character of the land and current highway. The new Escalante River bridge is excessively high, wide, visually dominated by wide unneeded paved shoulders, Jersey barriers, and high embankments. For the Calf Creek Bridge, UDOT must first try reinforcing the embankment, and only replace the bridge if it is unstable and not meeting vehicle weight requirements.

Thank you for the opportunity to make comments on proposed SR-12 improvements. We look forward to participating in the NEPA process. Please continue to send updates, as well as any future NEPA documents, to the addresses below. If you have

further questions, contact Liz Thomas at SUWA, 435-259-5440, or Jim Catlin at the Wild Utah Project, 801-328-3550.

Sincerely,

A handwritten signature in black ink, reading "Laurel Hagen" with a stylized flourish at the end.

Laurel Hagen
SUWA

Jim Catlin
Wild Utah Project



Garfield School District

145 East Center • P.O. Box 398 Panguitch Utah 84759 • phone (435) 676-8821 • fax (435) 676-8266

TO EMPOWER AND MOTIVATE LIFELONG LEARNERS

July 26, 2006

Walter Waidelich
Division Administrator
Federal Highway Administration
2520 West 4700 South, Suite 9A
Salt Lake City, UT 84118-1847

Dear Mr. Waidelich:

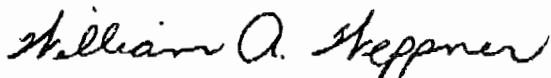
The Garfield County School Board strongly believes that the most precious natural resource in this county is our children. The Board has significant concerns over the proper maintenance of Utah State Highway 12 between Escalante and Boulder. The Garfield County School District is a public transportation carrier, moving children to and from multiple schools located along this highway. We believe appropriate maintenance by UDOT is required to ensure the safety of Garfield County school children being transported over this road twice a day, nine months of the year. Currently, all appropriate maintenance necessary for meeting established safety standards is not being accomplished because the Grand Staircase Escalante National Monument does not recognize or has not granted the necessary right of way to allow UDOT, at its sole discretion, to adequately maintain the highway. While the right of way issue is currently being discussed by the GSENM, the Federal Highway Administration, and UDOT, the timeline for resolution and action continues to put Garfield County school children at significant risk, denying them their right to a safe and well maintained school transportation route. The Garfield County School Board supports all of UDOT's right of way claims, and we are independently inventorying all safety issues along this stretch of State Highway 12.

Garfield County has been designated by the federal government as a low income population by meeting the U.S. Department of Human Health and Services poverty guidelines. As a public transportation carrier, the Garfield County School District is a public stakeholder that is directly impacted by the decisions and actions taken by the GSENM, the FHWA, and UDOT regarding safe transportation along this section of State Highway 12. Given these facts, the Garfield County School Board respectfully requests that the GSENM and FHWA immediately comply with Title VI of the Civil Rights

Act of 1964, Executive Order 12898, the DOT and FHWA Orders on Environmental Justice, the National Environmental Protection Act Order on Environmental Justice, and any other applicable law or regulation relating to this issue. Such compliance would include, but is not limited to, immediate involvement of the Garfield County School Board as a stakeholder in discussions regarding resolution of State Highway 12 right of way issues and planning to immediately address existing safety issues.

The Garfield County School Board takes its responsibility for contributing to the safety of our children very seriously, and we are prepared to do whatever is necessary to reach that goal. We look forward to working cooperatively with the GSENM and FHWA to provide safe transportation of our children to and from school. Please communicate directly with William Weppner (Bill) as the Garfield County Board Member assigned this issue.

Respectfully,



William A. Weppner, Ph.D.
Garfield County School Board Member
P.O. Box 574
Escalante, UT 84726
(435) 616-5800

This letter was sent with the knowledge and approval of the Garfield County School Board.

Board President Barton W. Palmer

Board Vice President Gladys LeFevre

Board Member Mack Oetting

Board Member Jeanne Russo-Whalen

Board Member William A. Weppner, Ph.D.



U.S. Department
Of Transportation
**Federal Highway
Administration**

Utah Division

2520 West 4700 South, Ste. 9A
Salt Lake City, UT 84118-1847

August 15, 2006

File: STP-0012(8)60E

Mr. William A. Weppner, PhD.
Garfield County School Board Member
P.O. Box 574
Escalante, UT 84726

SUBJECT: Project SR-12 Escalante to Boulder City, Utah

Dear Dr. Weppner:

Thank you for your July 26, 2006, letter identifying concerns over proper maintenance of Utah State Highway 12 (SR-12) between Escalante and Boulder, and the need for a timely resolution.

My staff, and the Utah Department of Transportation (UDOT), are well aware of the challenges on SR-12, and have been working to solve both short-term and long-term issues associated with maintenance and safety. A meeting was held on July 11 & 12, 2006, at the Bureau of Land Management Escalante Interagency Office to discuss these issues and develop a course of action to proceed.

Mr. Wade Barney, the UDOT Maintenance Station Supervisor responsible for SR-12, and Mr. Rusty Lee, the Bureau of Land Management (BLM) National Environmental Policy Act (NEPA)/Escalante Station Manager attended that meeting. They agreed to survey the corridor and identify general maintenance activities that could take place immediately. This survey occurred on July 18, 2006, and has resulted in agreement for UDOT to conduct surface treatment activities without having to consult the BLM NEPA/Escalante Station Manager; and to perform shoulder treatments on a case-by-case basis after consultation and agreement with the BLM NEPA/Escalante Station Manager.

On August 7, 2006, I spoke with Mr. Dal Hawks, the UDOT Region 4 Director, concerning SR-12, and he indicated that SR-12 did have unusual right-of-way circumstances that have resulted in deferred maintenance. However, given the nature of the roadway's setting within a National Monument, and the rugged terrain it traverses, it cannot be maintained to the same standard as many other roads in the region. Mr. Hawks assured me that the UDOT is maintaining SR-12 to an appropriate standard, and that if a maintenance condition existed in necessitating immediate attention, it would be taken care of working in collaboration with the BLM NEPA/Escalante Station Manager.

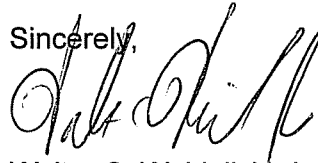


The UDOT is currently applying for the right of way from the BLM in an effort to make maintenance of SR-12 more efficient. As part of the process, the UDOT will complete environmental documentation for each proposed improvement to comply with the National Environmental Policy Act. Once the requested ROW has been obtained, the UDOT will then proceed with specific spot safety improvements along the corridor. These NEPA documents are intended to address and clarify any mitigation required as well as the needs and concerns of the various stakeholders.

The Garfield School District is a very important stakeholder concerning SR-12, and our records indicate that the District has been actively involved with the Context Sensitive Committee. I urge you to continue your involvement to ensure your concerns are considered in any decisions.

Should you require additional assistance concerning your continued involvement, please contact Carlos C. Machado, directly at (801) 963-0078 ext 231, or Monte Aldridge, UDOT Project Manager from Region 4 at (435) 893-4738.

Sincerely,



Walter C. Waidelich, Jr.
Division Administrator

cc: Barton W. Palmer, G.C.D. Board President
Gladys LeFevre, G.C.D. Board Vice-President
Mack Oetting, G.C.D. Board Member
Jeanne Russo-Whalen, G.C.D. Board Member
Dal Hawks, UDOT Region 4 Director
Monte Aldridge, UDOT Region 4 Project Manager
Nancy Jerome, UDOT Region 4 Right-of-Way
Wade Barney, UDOT Region 4 Maintenance
Paul Chapman, BLM Project Coordinator
Carol Kershaw, BLM Realty Specialist
Rusty Lee, BLM NEPA/Escalante Station Manager
Lyle McMillian, UDOT, Right of Way Director
Carlos Bracerias, UDOT, Deputy Director

WCWAIDELICH:dam



Jan Ellen Burton
1340 Gilmer Drive
SLC. UT. 84105

February 20, 2007

Dear Sir:

Highway 12 is my favorite road. Chicago where I grew up had nothing like this. My husband lived on a scenic road in Rhode Island, but it was nothing like this. We take our old friends and relatives along this road every year.

When I read the Utah Sierran and learned the road will be "improved" I was very concerned. However, the article in the paper implies UDOT may be interested in maintaining the integrity of this highway. Certainly it is good for tourism.

I will be brief. There are a couple of scary areas, particularly going south toward Calf Creek campground. I vote the jersey barriers go, and think a rock wall would be better. I understand a highway right of way may need to be obtained. This road is certainly beyond RS2477 status at this time and there is no going back. However, I do not believe the Calf Creek Campground is big enough to support larger vehicles without severely impacting the beauty of the place. I also do not believe widening the road by cutting into the rock would be possible without impacting the scenic splendor of this road.

Please improve the safety of this road without impacting the uniqueness people love.

Thank you,

Jan Ellen Burton
Jan Ellen Burton



U.S. Department
Of Transportation
**Federal Highway
Administration**

Utah Division
2520 West 4700 South, Ste. 9A
Salt Lake City, UT 84119-1947

April 5, 2005

File: STP-0012(8)60E

Ms. Amy Heuslein
Environmental Protection Officer
Bureau of Indian Affairs–Western Regional Office
P.O. Box 10
Phoenix, AZ 85001

Subject: STP-0012(8)60E
SR 12, Escalante to Boulder
Garfield County, Utah
Request to be a Consulting Party

Dear Ms. Heuslein:

The Federal Highway Administration (FHWA) and the Utah Department of Transportation (UDOT) are proposing to prepare an Environmental Assessment (EA) document to evaluate potential impacts generated by correction of roadway deficiencies between Escalante and Boulder, Garfield County, Utah (see enclosed map). The current right-of-way (ROW) corridor varies between 38 m (125 ft) to 46 m (150 ft) and 122 m (400 ft), and the area of potential effect (APE) is considered the entire ROW. The project encompasses UDOT right-of-way (ROW) easement in lands under the jurisdiction of the Grand Staircase - Escalante National Monument, Bureau of Land Management (BLM), Dixie National Forest (FS), School and Institutional Trust Lands Administration (SITLA), and UDOT fee title.

In accordance with the regulations published by the Advisory Council on Historic Preservation, 36 CFR Part 800, the FHWA and the UDOT request that you review this information to determine if there are any historic properties of traditional religious and/or cultural importance that may be affected by this undertaking. If you feel that there are any historic properties that may be impacted, we request your notification as such and your participation as a consulting party during the development of the environmental document.

At your request, FHWA and UDOT staff will be available to meet with you to discuss any concerns you might have. Please be assured that we will maintain strict confidentiality about certain types of information regarding traditional religious and/or cultural historic properties that might be affected by this proposed undertaking. We would also appreciate any suggestions you might have about any other groups or individuals that we should contact regarding this project.

A response within 30 days would be appreciated should you have concerns about this project and/or wish to be a consulting party. Please feel free to contact me at 801-963-0073, extension 235 to answer any questions or provide any additional information.

Thank you for your attention to this project notification and any comments you may have.

Respectfully,

A handwritten signature in black ink, appearing to read "Jeff Berna".

Jeffrey Berna
Environmental Specialist

Enclosures (1)

cc: Pamela Higgins, UDOT Region 4, NEPA/NHPA Specialist
Mr. Paul Shafiy, Natural Resources Specialist, Bureau of Indian Affairs

IDENTICAL COPIES OF THIS LETTER SENT TO THE FOLLOWING:

Tribal Contacts List For : Project #: STP-0012(8)60E CID: 51397

Project Description: SR-12, Escalante to Boulder

Original to:	CC to:
Mr. Leigh Kuwanwisiwma, Director Hopi Cultural Preservation Office Hopi Tribe P.O. Box 123 Kykotsmovi, Arizona 86039	
Ms. Lora E. Tom, Tribal Chair The Paiute Indian Tribe of Utah 440 North Paiute Drive Cedar City, Utah 84720	Ms. Dorena Martineau Cultural Resource Representative Paiute Indian Tribe of Utah 440 North Paiute Drive Cedar City, Utah 84720
Mr. Phil Pikyavit, Band Chairman Kanosh Band of the Paiutes PO Box 101 Kanosh, Utah 84637	Mr. Ralph Pikyavit, Cultural Resource Representative Kanosh Band of the Paiutes c/o Rochelle Pikyavit 473 South 100 East Ivins, Utah 84738
Ms. Brenda Drye Cultural Resources Coordinator Kaibab Band of the Paiute Indians Tribal Affairs Building HC65 Box 2 Fredonia, Arizona 86020	
Ms. Amy Heuslein Environmental Protection Officer Bureau of Indian Affairs--Western Regional Office P.O. Box 10 Phoenix, AZ 85001 (602) 379-6750 (602) 379-3833 fax	Mr. Paul Shafly Natural Resources Specialist Bureau of Indian Affairs Southern Paiute Agency P.O. Box 720 St. George, Utah 84771 (435) 674-9720



THE PAIUTE INDIAN TRIBE OF UTAH

440 North Paiute Drive • Cedar City, Utah 84720 • (435) 586-1112

April 29, 2005

Jeffery Berna
Environmental Specialist
U. S. Department Of Transportation
Federal Highway Administration
Utah Division
2520 West 4700 South, Ste. 9A
Salt Lake City, Utah 84118-1847

Dear Mr Berna:

Project: SR-12, Escalante to Boulder

The Paiute Indian Tribe of Utah is in receipt of your letter dated April 5, 2005 and have reviewed the material and we are very much interested in consulting with you on the above named Project. The particular area that the proposed project is being considered for is lands that are part of the aboriginal Southern Paiute home lands.

At this time we are not aware of any archaeological resources in or near the proposed sites.

Please notify the Paiute Indian Tribe of Utah of any cultural information that is found including type and location, also any updates or changes to the project.

Sincerely,

A handwritten signature in cursive script that reads "Dorena Martincau".

Dorena Martincau
Cultural Resources
Paiute Indian Tribe of Utah



**U.S. Department Of Transportation
Federal Highway Administration**

Utah Division

2520 West 4700 South, Ste. 9A
Salt Lake City, UT 84118-1847

January 9, 2007

Project: STP-0012(8)60E

Ms. Dorena Martineau
Cultural Resource Representative
Paiute Indian Tribe of Utah
440 North Paiute Drive
Cedar City, Utah 84720

SUBJECT: SR-12 Improvements, Escalante to Boulder, Utah
Request to be a Consulting Party

Ms. Martineau:

Thank you for your letter of April 29, 2005 requesting status as a consulting party in regards to the SR-12 Improvements project between Escalante and Boulder, Utah. At the time you were initially notified, specific improvements had not been identified. The purpose of this letter is to notify you of those projects now identified and their corresponding areas (see enclosed map). Following is the list of proposed actions for detailed evaluation in the Environmental Assessment:

1. Obtain right-of-way where it is currently defined by RS-2477 (MP 68.9 to MP 83.1).
2. Replace Calf Creek Bridge (MP 74.5).
3. Stabilize roadway where embankment is currently supported by W-beam (MP 74.8), and at locations where existing barrier is not properly supported (MP 75.4, MP 77.5-77.7).
4. Provide turnouts. (Evaluate eastbound turnouts at MP 71.7, 76.2, 79.5; evaluate westbound turnouts at MP 69.0, 69.9, 72.5, 83.0)
5. Improve intersections at Hole-in-the-Rock Road (MP 64.4) and Calf Creek Recreation Area (MP 75.0).
6. Widen curve known as "the Tank" (MP 71.0).



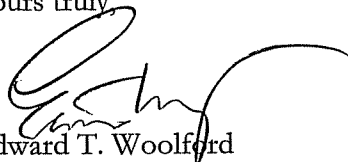
Montgomery Archaeological Consultants (MOAC) completed a Class I existing data review of the proposed project area in April 2005. At this time, MOAC has been requested to complete a Class III cultural resource and fossil inventory of the project area. A copy of the draft cultural resource report will be provided upon completion.

As always, FHWA and UDOT staff will be available to meet with you to discuss any concerns you might have. Please be assured that we will maintain strict confidentiality about certain types of information regarding traditional religious and/or cultural historic properties that might be affected by this proposed undertaking. We would also appreciate any suggestions you might have about any other groups or individuals that we should contact regarding this project.

Should you have any concerns about this project and/or wish to be a consulting party a response within 30 days would be appreciated. If you require additional assistance or need further information, please contact me directly at (801) 963-0078, ext. 235.

Thank you for your attention to this project notification and any comments you may have.

Yours truly,



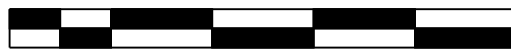
Edward T. Woolford
Environmental / Right-of-Way Specialist

Enclosure(s):

cc: Laurel H. Glidden, UDOT Region 4, NEPA/NHPA Specialist

SR-12 ESCALANTE TO BOULDER

0 1 2 3 4 5 MILES



BOULDER

Hell's Backbone Road

DIXIE NATIONAL FOREST



GRAND STAIRCASE - ESCALANTE
NATIONAL MONUMENT

ESCALANTE

BIG FLAT

Calf Creek Campground

Calf Creek Crossing

Boynton Overlook

Head of the
Rocks Overlook

NEW HOME
BENCH

THE HOGSBACK

Escalante River
Crossing

Hole-in-the-Rock Road

PROPOSED ACTIONS

- ① OBTAIN RIGHT-OF-WAY (MP 68.9 TO 83.1)
- ② REPLACE CALF CREEK BRIDGE (MP 74.5)
- ③ STABILIZE ROADWAY/BARRIER (MP 74.8, 75.4, 77.5-77.7)
- ④ PROVIDE SLOW VEHICLE TURNOUTS *
(WEST BOUND 69.0, 69.9, 72.5, 83.0
EAST BOUND 71.7, 76.2, 79.5)
- ⑤ IMPROVE INTERSECTIONS
HOLE-IN-THE-ROCK ROAD (MP 64.4)
CALF CREEK RECREATION AREA (MP 75.0)
- ⑥ WIDEN CURVE (MP 75.0)

LEGEND

- SR-12 (EXISTING ROW)
- - - SR-12 (REQUESTING ROW)
- - - GRAND STAIRCASE ESCALANTE
NATIONAL MONUMENT BOUNDARY
- WILDERNESS STUDY AREAS



*Turnout is intended to allow the passing of slow moving vehicles and is not intended for parking; a turnout is not a full passing lane.



**U.S. Department Of Transportation
Federal Highway Administration**

Utah Division

2520 West 4700 South, Ste. 9A
Salt Lake City, UT 84118-1847

January 17, 2007

Project: STP-0012(8)60E

Mr. Glenn Rogers
Shivwits Band, Paiute Indian Tribe of Utah
370 North 400 West #2
St. George, Utah 84770

SUBJECT: SR-12, Escalante to Boulder, Garfield County, Utah
Request to be a Consulting Party

Dear Mr. Rogers,

The Federal Highway Administration (FHWA) and the Utah Department of Transportation (UDOT) is in the process of developing a National Environmental Policy Act (NEPA) document that will assess impacts of potential improvements to SR-12 between Escalante and Boulder, Utah (see enclosed map). A letter was sent initially notifying your office of this project on April 5, 2005. At that time, specific improvements had not yet been identified. Following is the list of proposed actions for detailed evaluation in the Environmental Assessment:

1. Obtain right-of-way where it is currently defined by RS-2477 (MP 68.9 to MP 83.1).
2. Replace Calf Creek Bridge (MP 74.5).
3. Stabilize roadway where embankment is currently supported by W-beam (MP 74.8), and at locations where existing barrier is not properly supported (MP 75.4, MP 77.5-77.7).
4. Provide turnouts. (Evaluate eastbound turnouts at MP 71.7, 76.2, 79.5; evaluate westbound turnouts at MP 69.0, 69.9, 72.5, 83.0)
5. Improve intersections at Hole-in-the-Rock Road (MP 64.4) and Calf Creek Recreation Area (MP 75.0).
6. Widen curve known as "the Tank" (MP 71.0).



Montgomery Archaeological Consultants (MOAC) completed a Class I existing data review of the proposed project area in April 2005. At this time, MOAC has been requested to complete a Class III cultural resource and fossil inventory of the project area. A copy of the draft cultural resource report will be provided at your request.

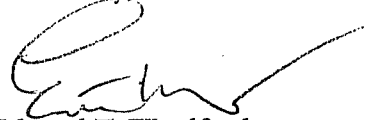
In accordance with the regulations published by the Advisory Council on Historic Preservation, 36 CFR Part 800, the FHWA and the UDOT request that you review this information to determine if there are any historic properties of traditional religious and/or cultural importance that may be affected by this undertaking. If your organization is aware of any historic properties that may be impacted by the proposed project, we request your notification as such and your participation as a consulting party during the development of the environmental document.

At your request, FHWA and UDOT staff will be available to meet with you to discuss any concerns you might have. Please be assured that we will maintain strict confidentiality about certain types of information regarding traditional religious and/or cultural historic properties that might be affected by this proposed undertaking. We would also appreciate any suggestions you might have about any other groups or individuals that we should contact regarding this project.

Should you have any concerns about this project and/or wish to be a consulting party a response within 30 days would be appreciated. If you require additional assistance or need further information, please contact me directly at (801) 963-0078, ext. 235.

Thank you for your attention to this project notification and any comments you may have.

Yours truly,



Edward T. Woolford
Environmental / Right-of-Way Specialist

Enclosure(s):

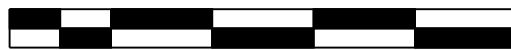
cc: Laurel H. Glidden, UDOT Region 4, NEPA/NHPA Specialist

IDENTICAL COPIES OF THIS LETTER SENT TO THE FOLLOWING

Original to:	CC to:
Leigh Kuwanwisiwma, Director Hopi Cultural Preservation Office (Hopi Tribe) P.O. Box 123 Kykotsmovi, Arizona 86039	
Mr. Phil Pikyavit, Band Chairman Kanosh Band of the Paiutes P.O. Box 101 Kanosh, Utah 84637	
Mr. Glenn Rogers, Chairman Shivwits Band, Paiute Indian Tribe of Utah 370 North 400 West #2 St. George, Utah 84770	

SR-12 ESCALANTE TO BOULDER

0 1 2 3 4 5 MILES



BOULDER

Hell's Backbone Road

DIXIE NATIONAL FOREST



GRAND STAIRCASE - ESCALANTE
NATIONAL MONUMENT

ESCALANTE

BIG FLAT

Calf Creek Campground

Calf Creek Crossing

Boynton Overlook

Head of the
Rocks Overlook

NEW HOME
BENCH

THE HOGBACK

Escalante River
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Hole-in-the-Rock Road

PROPOSED ACTIONS

- ① OBTAIN RIGHT-OF-WAY (MP 68.9 TO 83.1)
- ② REPLACE CALF CREEK BRIDGE (MP 74.5)
- ③ STABILIZE ROADWAY/BARRIER (MP 74.8, 75.4, 77.5-77.7)
- ④ PROVIDE SLOW VEHICLE TURNOUTS *
(WEST BOUND 69.0, 69.9, 72.5, 83.0
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HOLE-IN-THE-ROCK ROAD (MP 64.4)
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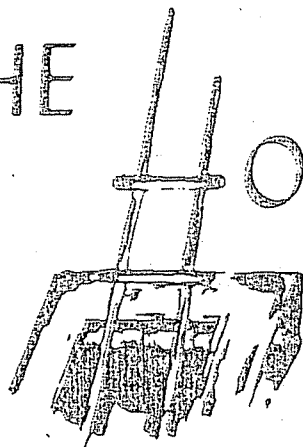
LEGEND

- SR-12 (EXISTING ROW)
- - - SR-12 (REQUESTING ROW)
- . - . - . GRAND STAIRCASE ESCALANTE
NATIONAL MONUMENT BOUNDARY
- WILDERNESS STUDY AREAS



*Turnout is intended to allow the passing of slow moving vehicles and is not intended for parking; a turnout is not a full passing lane.

THE



HOPI TRIBE

CHAIRMAN

Todd Honyaoma, Sr.

VICE CHAIRMAN

January 30, 2007

Edward T. Woolford, Environmental / Right-of-Way Specialist
Federal Highway Administration, Utah Division
2520 West 4700 South, Ste. 9A
Salt Lake City, Utah 84118-1847

Re: Project # STP-0012(8)60E; SR 12, Escalante to Boulder, Garfield County

Dear Mr. Woolford,

Thank you for your correspondence dated January 17, 2007, regarding the Federal Highway Administration and Utah Department of Transportation developing an National Environmental Policy Act document that will assess impacts of potential improvements to SR-12 between Escalante and Boulder. As you know, the Hopi Tribe claims cultural affiliation to prehistoric cultural groups in Utah, and the Hopi Cultural Preservation Office supports identification and avoidance of prehistoric archaeological sites and Traditional Cultural Properties.

This area contains many Hopi archaeological ancestral sites and Traditional Cultural Properties in Grand Staircase -Escalante National Monument and Anasazi State Park. Therefore, in response to your letter, we would like to be kept informed of this proposal and provided with copies for review and comment of the cultural resource Class I and III reports of the area of potential effect by Montgomery Archaeological Consultants.

As you also know, we appreciate the Federal Highway Administration and the Utah Department of Transportation's continuing solicitation of our input and your efforts to address our concerns. Should you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office. Thank you again for your consideration.

Respectfully,

A large, stylized handwritten signature in black ink, belonging to Leigh J. Kuwanwisiwma.

Leigh J. Kuwanwisiwma, Director
Hopi Cultural Preservation Office

xc: Laurel Glidden, Utah Department of Transportation



State of Utah

DEPARTMENT OF TRANSPORTATION

JOHN R. NJORD, P.E.
Executive Director

CARLOS M. BRACERAS, P.E.
Deputy Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

August 9, 2007

Leigh Kuwanwisiwma, Director
Hopi Cultural Preservation Office
P.O. Box 123
Kykotsmovi, Arizona 86039

Subject: SR-12 Improvements – Escalante to Boulder, Utah
Project No. STP-0012(8)60E

Dear Mr. Kuwanwisiwma:

As you are aware, the Federal Highway Administration (FHWA), in cooperation with the Utah Department of Transportation (UDOT) is in the process of preparing an Environmental Assessment (EA) to investigate the potential impacts of improvements made to State Route 12 (SR-12) between Escalante and Boulder, Utah. The EA will address several proposed projects within the SR-12 corridor including:

1. Obtain right-of-way where it is currently defined by RS-2477 (MP 68.9 to MP 83.1).
2. Replace Calf Creek Bridge (MP 74.5).
3. Stabilize roadway where embankment is currently supported by W-beam (MP 74.8), and at locations where existing barrier is not properly supported (MP 75.4, MP 77.5-77.7).
4. Provide turnouts. (Evaluate eastbound turnouts at MP 71.7, 76.2, 79.5; evaluate westbound turnouts at MP 69.0, 69.9, 72.5, 83.0).
5. Improve intersections at Hole-in-the-Rock Road (MP 64.4) and Calf Creek Recreation Area (MP 75.0).
6. Widen curve known as "the Tank" (MP 71.0).

As you will recall, Montgomery Archaeological Consultants (MOAC) completed a Class I existing data review of the project area in April 2005. MOAC recently completed a Class III field investigation of the area and have documented their findings in the report enclosed. A total of 16 cultural resource sites were identified, 11 of which are considered eligible to the National Register of Historic Places (NRHP)(see Table 1).

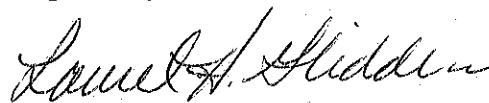
Table 1. Cultural resource sites identified

Site	Description	Eligibility
42GA5647	Prehistoric Lithic Scatter	Eligible
42GA6077	Prehistoric Temp. Camp	Eligible
42GA6078	Prehistoric Temp. Camp	Eligible
42GA6079	Prehistoric Lithic Scatter	Eligible
42GA6080	Prehistoric Lithic Scatter	Eligible
42GA6081	Prehistoric Lithic Scatter	Eligible
42GA6082	Prehistoric Rock Art	Eligible
42GA6083	Calf Creek Bridge Remnants	Not Eligible
42GA6084	Prehistoric Surface Quarry	Not Eligible
42GA6085	Prehistoric Surface Quarry	Not Eligible
42GA6086	Prehistoric Lithic Scatter	Eligible
42GA6087	Prehistoric Lithic Scatter	Eligible
42GA6088	Prehistoric Lithic Scatter	Eligible
42GA6089	Historic Power/Telephone Line	Not Eligible
42GA6090	SR-12 Road Segments and Features	Not Eligible
42GA6091	Escalante to Boulder Road Segments & Features	Eligible

Please take this opportunity to review the enclosed report and if you have any comments or concerns, please reply within 30 days of receipt, or feel free to contact me at (435) 865-5562, or lglidden@utah.gov. Be assured that UDOT maintains strict confidentiality about certain types of information regarding traditional, cultural or religious properties. The location and content of traditional resources, religious sites, or burials are confidential within the confines of federal law.

Thank you for your attention to this project.

Respectfully,



Laurel H. Glidden, NEPA/NHPA Specialist
UDOT Region 4 Environmental

Enclosure

cc: (w/o enclosure, via email)
Monte Aldridge, UDOT
Andrea Clayton, HW Lochner
Tyler Robirds, HW Lochner
Randall Taylor, UDOT

August 9, 2007

Subject: SR-12 Improvements – Escalante to Boulder, Utah
Project No. STP-0012(8)60E

Identical letters sent to:

Ms. Lora E. Tom, Tribal Chair
The Paiute Indian Tribe of Utah
440 North Paiute Drive
Cedar City, Utah 84720

Ms. Brenda Drye
Cultural Resources Coordinator
Kaibab Band of the Paiute Indians
Tribal Affairs Building
HC65 Box 2
Fredonia, Arizona 86020

Mr. Glenn Rogers, Chairman
Shivwits Band, Paiute Indian Tribe of Utah
370 North 400 West #2
St. George, Utah 84770

Leigh Kuwanwisiwma, Director
Hopi Cultural Preservation Office (Hopi Tribe)
P.O. Box 123
Kykotsmovi, Arizona 86039

Mr. Phil Pikyavit, Chairman
Kanosh Band of the Paiutes
PO Box 101
Kanosh, Utah 84637

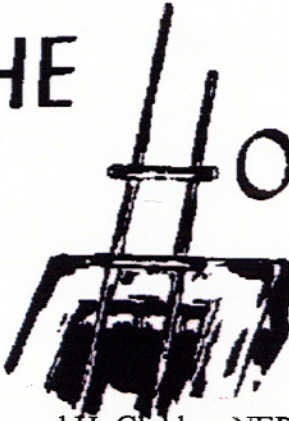
Mr. Kenny Wintch
Utah SITLA
675 East 500 South, Suite 500
Salt Lake City, Utah 84102
Mr. Matt Zweifel
Grand Staircase-Escalante National Monument
190 East Center
Kanab, Utah 84741

CC:

Ms. Dorena Martineau, Cultural Resource
Representative
Paiute Indian Tribe of Utah
440 North Paiute Drive
Cedar City, Utah 84720

Mr. Ralph Pikyavit
Cultural Resource Representative
Kanosh Band of the Paiutes
c/o/ Rochelle Pikyavit
473 South 100 East
Ivins, Utah 84738

THE HOPI TRIBE



Benjamin H. Nuvamsa
CHAIRMAN

Todd Honyaoma Sr.
VICE-CHAIRMAN

August 21, 2007

Laurel H. Glidden, NEPA/NHPA Specialist
Utah Department of Transportation, Region 4 Environmental
Cedar City District Office
1470 North Airport Road
Cedar City, Utah 84720-8411

Re: SR 12 Improvements - Escalante to Boulder, Project No. STP-0012(8)60E

Dear Ms. Glidden,

Thank you for your correspondence dated August 9, 2007, with an enclosed cultural resources survey report, regarding the Federal Highway Administration and Utah Department of Transportation preparing an environmental assessment for improvements to State Route 12 between Escalante and Boulder. Because the Hopi Tribe claims cultural affiliation to the Fremont and Anasazi prehistoric cultures in Utah, and Boulder House, Boulder State Park is a Traditional Cultural Property of the Hopi Tribe, we appreciate your continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office supports the identification and avoidance of prehistoric archaeological sites and Traditional Cultural Properties. We have reviewed the enclosed cultural resources survey report that identifies 10 prehistoric sites recommended as National Register eligible and described as 1 rock art site, 2 temporary camps, and 7 lithic scatters, and 2 prehistoric sites described as surface quarries and recommended as ineligible. If any of the identified eligible sites cannot be avoided and will be impacted by project activities, please provide us with a copy of the draft treatment plan for review and comment.

Should you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office. Thank you again for your consideration.

Respectfully,


Leigh Kuwanwisiwma, Director
Hopi Cultural Preservation Office



State of Utah

DEPARTMENT OF TRANSPORTATION

JOHN R. NJORD, P.E.
Executive Director

CARLOS M. BRACERAS, P.E.
Deputy Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

October 16, 2007

Leigh Kuwanwisiwma, Director
Hopi Cultural Preservation Office
P.O. Box 123
Kykotsmovi, Arizona 86039

Subject: SR-12 Improvements – Escalante to Boulder, Utah
Project No. STP-0012(8)60E
Determination of Eligibility and Finding of Effects

Dear Mr. Kuwanwisiwma:

To briefly remind you, the Federal Highway Administration (FHWA), in cooperation with the Utah Department of Transportation (UDOT) is in the process of preparing an Environmental Assessment (EA) to investigate the potential impacts of several improvements made to State Route 12 (SR-12) between Escalante and Boulder, Utah.

The UDOT has prepared a Determination of Eligibility and Finding of Effects for the subject project. Please take this opportunity to review the enclosed document, and if you have any comments or concerns, please reply within 30 days of receipt, or feel free to contact me at (435) 865-5562, or lglidden@utah.gov.

Thank you for your attention to this project.

Respectfully,

Laurel H. Glidden, NEPA/NHPA Specialist
UDOT Region 4 Environmental

Enclosure

cc: (w/o enclosure, via email)
Monte Aldridge, UDOT
Andrea Clayton, HW Lochner
Tyler Robirds, HW Lochner
Randall Taylor, UDOT

Identical letters sent to:

Ms. Lora E. Tom, Tribal Chair
The Paiute Indian Tribe of Utah
440 North Paiute Drive
Cedar City, Utah 84720

Ms. Brenda Drye
Cultural Resources Coordinator
Kaibab Band of the Paiute Indians
Tribal Affairs Building
HC65 Box 2
Fredonia, Arizona 86020

Mr. Glenn Rogers, Chairman
Shivwits Band, Paiute Indian Tribe of Utah
370 North 400 West #2
St. George, Utah 84770

Leigh Kuwanwisiwma, Director
Hopi Cultural Preservation Office (Hopi Tribe)
P.O. Box 123
Kykotsmovi, Arizona 86039

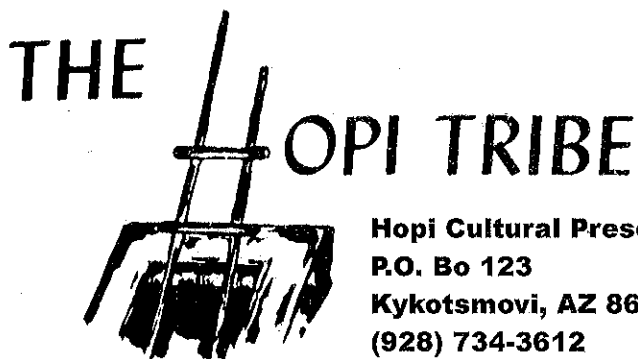
Mr. Phil Pikyavit, Chairman
Kanosh Band of the Paiutes
PO Box 101
Kanosh, Utah 84637

Mr. Kenny Wintch
Utah SITLA
675 East 500 South, Suite 500
Salt Lake City, Utah 84102
Mr. Matt Zweifel
Grand Staircase-Escalante National Monument
190 East Center
Kanab, Utah 84741

CC:

Ms. Dorena Martineau, Cultural Resource
Representative
Paiute Indian Tribe of Utah
440 North Paiute Drive
Cedar City, Utah 84720

Mr. Ralph Pikyavit
Cultural Resource Representative
Kanosh Band of the Paiutes
c/o/ Rochelle Pikyavit
473 South 100 East
Ivins, Utah 84738



Benjamin H. Nuvamsa
CHAIRMAN

Todd Honyaoma, Sr.
VICE-CHAIRMAN

Hopi Cultural Preservation Office
P.O. Bo 123
Kykotsmovi, AZ 86039
(928) 734-3612

October 25, 2007

Laurel Glidden, NEPA/NHPA Specialist
Utah Department of Transportation, Region 4 Environmental
1470 North Airport Road
Cedar City, Utah 84720-8411

Re: Project # STP-0012(8)60E; SR 12, Escalante to Boulder, Garfield County

Dear Ms. Glidden,

Thank you for your correspondence dated October 16, 2007, regarding the Federal Highway Administration (FHWA) and Utah Department of Transportation (UDOT) developing a National Environmental Policy Act document that will assess impacts of potential improvements to SR-12 between Escalante and Boulder. Because the Hopi Tribe claims cultural affiliation to prehistoric cultural groups in Utah, and the Hopi Cultural Preservation Office supports identification and avoidance of prehistoric archaeological sites and Traditional Cultural Properties, we appreciate the FHWA and UDOT's continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office previously responded to correspondences on this proposal in letters dated January 30 and August 21, 2007. In our January 30th letter we stated that this area contains many Hopi archaeological ancestral sites and Traditional Cultural Properties in Grand Staircase-Escalante National Monument and Anasazi State Park. In our August 21st letter we reviewed the cultural resources survey report that identifies 10 prehistoric sites recommended as eligible and 2 sites recommended ineligible sites in this project area.

We have now reviewed the enclosed letter to that State Historic Preservation Office dated October 4, 2007, that indicates that site 42Ga5647, described as a lithic scatter, will be adversely effected by project activities. Therefore, we would like to continue to be kept informed of this proposal and provided with a copy of the proposed treatment plan for review and comment.

Should you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office. Thank you again for your consideration.

Respectfully,


Leigh J. Kuwanwiswma, Director
Hopi Cultural Preservation Office

xc: Utah State Historic Preservation Office